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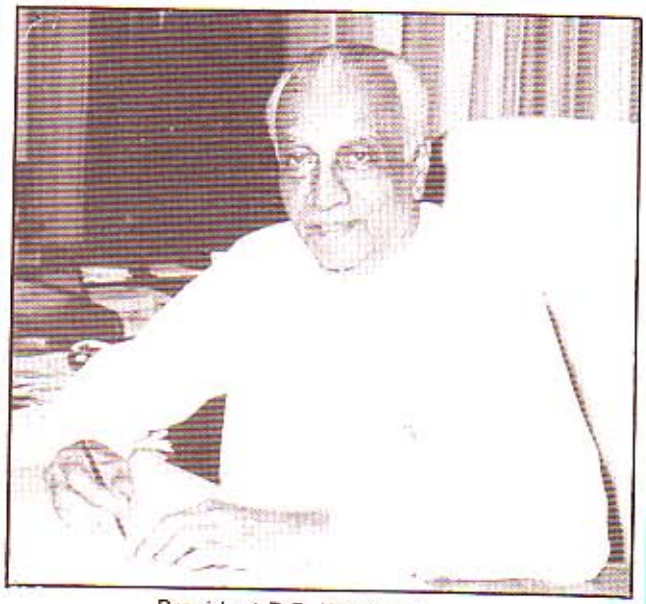

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– Voltaire.

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POLITICS DEVOID OF PRINCIPLE

It has been said that these days all roads lead to the United National Party (UNP), a reference to the many defections from the opposition, to join the UNP, President Wijetunga, the leader of the UNP, has sought to make a virtue of this unseemly development by saying that the UNP is like an 'ambalama', a public refuge, where all are welcome. Yes, the ruling UNP has become a refuge for all types of political vagrants and opportunists whose only aim is to enjoy the patronage and benefits of being associated with a party in power. And Mr. Wijetunga is prepared to admit all of them to his political ambalama because he himself wants to continue to remain in power at all costs.

From the 1950s, when the late Mr. S.W.R.D. Bandaranaike split from the UNP, the Sri Lanka Freedom Party (SLFP) reflecting a left of centre policy stance, has been the primary focal point of opposition to the right wing UNP. Anura Bandaranaike who once led the SLFP when his mother, Mrs. S. Bandaranaike was stripped of all her civic rights by the UNP government under former President Jayawardene, has joined the UNP having been offered a cabinet portfolio. Neither the UNP nor Mr. Bandaranaike suffered any problems as to policy or principle when they struck this alliance. The determining factor was political expediency. In fact when Anura resigned from the SLFP, he did not set out any policy differences with the party,, he departed to avoid disciplinary action.

While being in the SLFP, Anura was regarded as a 'moderate' on the ethnic question. But this did not prevent him having as his allies primarily those who belonged to the 'Hela Urumaya' faction which was regarded as extremely Sinhala–Buddhist in outlook and took a hardline on the ethnic question. Now those SLFP MPs belonging to this faction are also expected to join the UNP particularly following the recent speeches by President Wijetunga aimed at creating a unified Sinhala–Buddhist constituency against what he described as the disproportional influence wielded by the minorities. It was Thomas Jefferson who said that a civilised society is judged by the way it treats its minorities. But in Wijetunga's Sri Lanka the 'majority race' must be strong and united to resist the influence from minorities!

The Democratic United National Front (DUNF) was formed following the ill–fated impeachment motion against the late President Premadasa. The charges against Premadasa levelled by Lalith Athulathmudali and Gamini Dissanayake, who later became the DUNF leaders, included abuse of power, bribery, corruption, formation of death squads and colluding in unlawful killings of political opponents etc. During this time Wijetunga, as Prime Minister, was an important part of the President's political entourage. But once Lalith Athulathmudali was assassinated followed soon after by the murder of Premadasa, Gamini Dissanayake began making overtures with a view to joining the UNP. After many months of political gymnastics, he has now joined the UNP ditching the DUNF programme and at the same time dumping many who had helped him in his campaign against the UNP in the recent past. He appears to have forgotten the allegations he made against the UNP of abuse of power and corruption even after Wijetunga became President under whom he now expects to become a cabinet minister. The tens of thousands of people who voted for the DUNF at the last Provincial Council elections naturally feel betrayed.

Ronnie de Mel has been changing parties from SLFP to UNP to SLFP to UNP over the years like a yo yo. Having been credited with the distinction of holding the post of Minister of Finance for the longest period under President Jayawardene, he crossed over to the SLFP when Premadasa assumed leadership. It was not long ago that the UNP administration, while the present President was holding the posts of Prime Minister and Minister of Finance, instituted proceedings in the courts against Ronnie de Mel alleging misappropriation of public funds when he was Finance Minister. Unable to bear what he described as a political vendetta and victimisation, Ronnie went into self imposed exile and spent some years in the United Kingdom. Now he is back in the UNP!

What these unseemly developments represent is that politics today in Sri Lanka is devoid of principle or policy, practised by opportunists without any personal or political scruple or morality, treating political parties as 'ambalamas' to achieve at all costs the benefits of power, influence and patronage.

Editor's Note: *Due to a printer's devil, there was an error in the title of last month's editorial comment. The title should have read, 'Retreating into Repression'.*

Peace Moves Amidst Preparation for War

by Rita Sebastian in Colombo

The intractable ethnic crisis in Sri Lanka which has been unresponsive to a variety of solutions, ranging from the All Party Conference (APC) and Indian mediation in the 1980s, not to speak of open warfre on the Liberation Tigers of Tamil Eelam (LTTE) by the IPKF, and former president Ranasinge Premadasa's doomed overtures in 1989-1990, now seems to be entering a new phase with hitherto overlooked groups coming into playing a prominent role.

There are also rumours of possible external mediation led by the United States of America.

In the last fortnight Catholic and other Christian Bishops have made trips to the north, described to be pastoral visits to give succour to their beleaguered Christian congregations.

Though these religious forays to the north have been critized by certain sections of the Sinhala Buddhist axis, which today dominates the southern political scene, it is generally accepted that certain influential figures within the government are determined to keep lines of communication open to the north, hoping that something will change from these contacts.

Much more significant however is the visit to Jaffna of Sarvodaya leader, A.T. Ariyaratne during the first week of February. Sarvodaya has a network of 13 registered centres in the Jaffna peninsula.

Mr. Ariyaratne who himself is a Buddhist, is reported to have brought back with him an audio cassette of LTTE leader Karikalan, the former eastern Batticaloa leader who is now LTTE supremo Vellupillai Prabhakaran's military commander in the north. Karikalan is one of those who has risen to the top following the fall from grace of the former Tiger deputy leader Mahathaya.

It is presumed that under the present tightly controlled Prabhakaran dispensation in the north, Karikalan was acting as his 'master's voice'. Prabhakaran himself was said to be unwilling, as has been his usual practice, to make a direct proposal. Diminutive Mr. Ariyaratne is agog with excitement. He feels he has succeeded where others before him have failed. He feels that the LTTE are genuine in wanting negotiations. But what is much more fundamental is speculation whether the LTTE are indulging in a public relations exercise designed to win time for themselves, specially in the wake of the death sentence on former deputy leader Mahathaya, and also to appease the beleaguered people of Jaffna where there appears to be growing yearning for an end to the war, the bombing raids, economic blockade and other privations.

Much more interesting however is the reported visit shortly to Sri Lanka of US official Robin Raphael, reportedly to study the situation at first hand. The Clinton administration is eager, it is said, to begin a fully fledged peace offensive in Sri Lanka. Sri Lanka which has been resisting international intervention after the fiasco of India's peace efforts, is concerned that it may not be in a position to resist American intervention.

There are bound to be protests from the Buddhist clergy who see themselves as custodians of nationalist values in Sri Lanka.

Recently a columnist of the Colombo based *Island* newspaper bitterly criticized western envoys for their interfering interests in Sri Lankan politics. Any American intervention is likely to be chastised in the same fashion, although America may have more influence in the country, not enjoyed by the European community.

It is not forgotten here that during the Presidential campaign, Clinton had betrayed his ignorance by saying that if Bush was elected President, the American economy would sink lower than that of Sri Lanka. It may have been a chance aside, but many Sri Lankans were hurt that their country was treated synonymously with economic failure. The question being asked therefore is how much credibility the author of such a quip can have as a mediator in the tangled crisis that

Wind of Change

For the first time in a number of years, the Sri Lankan High Commission in the UK is making a serious attempt to woo the Tamils living in Britain with a view to convincing them that the High Commission belongs to all Sri Lankans and not necessarily a spokespoint for only the majority Sinhala community. Among the Tamils, who number over 70,000, living in the UK there has always been an ingrained perception with some justification that the High Commission played a sectarian role and that the officials who manned the place were hostile to them. The Tamils found it somewhat uneasy to visit the building even for official purposes. They always boycotted any functions to which they were invited.

Since the arrival of Gen. Cyril Ranatunga as High Commissioner, it would seem that a conscious effort is being made to make friends of Tamils and influence them. The new High Commissioner, it is said, feels that the expatriate Tamils living in the UK have a significant role to play in helping to bring about a negotiated settlement to the ethnic conflict in Sri Lanka. He has been making an effort to meet and talk to some Tamil personalities known in the community. In contrast to President Wijetunga's talk about 'the war to eliminate terrorism', Ranatunga would appear to be placing emphasis on a 'negotiated peace' among all parties including the LTTE. Some of the recent sectarian statements by the President would seem to have made some officials of the High Commission engaged in this 'bridge–building' exercise distinctly uncomfortable.

The new approach was quite evident in the way in which this year's 'Independence Day' (February 4) was celebrated by the High Commission on 4 February. Invitations were sent out to an unusually larger number of Tamils to participate in the evening function. Some Tamils, who in the past might have ignored such invitations, did in fact respond by attending the function even at the risk of running the gauntlet of a slogan–shouting picket organised by a Sri Lankan human rights group. The Trustee–Proprietor of a well known Hindu temple in London. Mr. Ratnasingham, participated in the raising of the National Flag ceremony in the morning on the same day. When one who was quite known in the London Tamil community was asked as to why this change of heart in attending the evening function said, 'We cannot always talk about a negoti-

has defied more knowledgeable mediators in the past.

Baulked in Kashmir by distinct Indian hostility to American meddlesomeness, America seems to be shifting to Sri Lanka. Sri Lanka dependent on American aid and trade largesse, is unlikely to resist American mediation with the defiance that India has. However there are many who believe that American interest in Sri Lanka's ethnic crisis is like American interest in northern Ireland or the Middle East, unlikely to be disinterested. How India, where the LTTE's top leaders are facing trial in absentia for the assassination of Rajiv Gandhi, will react to a peace process initiated by the USA in which the LTTE is expected to play a central role is a question that has to be addressed.

Amidst the talk of peace moves, there are reports that both sides, the military and the LTTE, are making preparations for a major offensive in the coming months, possibly in late March. The LTTE leader only recently declared 1994 as the 'year of battles'. In the meantime, purchases of military hardware and weaponry, war planes and gunboats for the armed forces are proceeding apace.

ated solution to our conflict by isolating ourselves and keeping away from the people with whom we have to negotiate. The government says it wants a negotiated solution. The Tigers also say that they want to talk to the government without any preconditions. We also want to help in this process.'

It looked as though Gen. Ranatunga's independence day message itself was indicative of a new wind that is blowing from 13 Hyde Park Gardens that houses the High Commission. It said, 'Ours was once a peaceful country where people of all communities whichever the race, language or religion they belong to lived in perfect harmony respecting each other's political, religions and cultural identity. Regrettably we cannot boast of this today. It is one of those dark periods in the long history of our country... To us, at the Sri Lanka Mission, every Sri Lankan domiciled here whichever community he or she belongs to is a brother or a sister. We want everyone to feel that this Mission is his or her home. We are doing our best to render a helping hand to anyone who comes to us. I have no doubt that numerous Associations, Unions and Societies of Sri Lankans in th UK would assist us in building such a relationship.'

Role of Minorities Belittled as UNP Gains Strength by Defections

by Rita Sebastian

If one were to go by press reports it would appear that all roads now lead to the ruling United National Party (UNP). In the last several weeks there have been reports of opposition stalwarts, as well as rank and file defecting to the UNP. Photographs too appear in the state controlled media of a beaming President Dingiri Banda Wijetunga posing with the defectors.

The ball was set rolling by the Sri Lanka Fredom Party's Anura Bandaranaike. He resigned from the SLFP and joined the UNP at the end of last year. It was the ruling party's prize catch. Anura is now a Cabinet Minister holding the portfolio of Minister of Higher Education. Close on his heels followed Ronnie de Mel, one time hailed as the island's longest serving Finance Minister. Having crossed swords with former President Ranasinghe Premadasa, de Mel crossed over to the SLFP. Following SLFP's electoral defeat, he went into self–imposed exile in the UK. He is now back in the UNP fold.

And also now back in the UNP with some of his followers is Gamini Dissanayake, one of the chief architects with former UNP Minister Lalith Athulathmudali of the impeachment motion against President Premadasa.

Expelled from the party, they formed the Democratic United National Front (DUNF). The momentum with which the party launched itself, due solely to the efforts of the charismatic Athulathmudali, took a downward plunge with his assassination.

The country's political scenario was to change dramatically when shortly after Athulathmudali's assassination, President Premadasa himself became the victim of an assassin.

Events moved quickly. Wijetunga who was Prime Minister moved into the Presidential seat and Ranil Wickremesinghe was appointed Prime Minister. The cracks that began to appear in the DUNF following Athulathmudali's assassination was soon to manifest itself by Dissanayake making overtures to the UNP, inspite of the Athulathmudali faction in the DUNF vehemently opposing any rapprochement with the UNP. It was only a question of time however before Diassanayake was back where he felt he belonged.

Dissanayake's return to the UNP has effectively undermined the SLFP position in the Provincial Councils where, with DUNF support, the SLFP led People's Alliance has been able to upstage the UNP in three of the 7 councils.

Perhaps it is the defections that has made President Wijetunga feel that the UNP, after 17 years in power, is now unshakeable. And that has given him the confidence to remind the Sri Lankan electorate that he regards the Sinhala Buddhist constituency as his primary constituency. Wijetunga has thus dismissed the minorities, both racial and religious, as playing no significant role in any election. This no doubt was what prompted him to propose an amendment to the constitution whereby the President will be elected by parliament.

Under the present French–style executive presidency, Wijetunga will have to face a nationwide election by December this year while parliamentary elections are due by February next year.

The President said in a recent speech that there was inherent danger in the possibility of having a President from one party and a parliament from an opposing party with the current dual elections scheme.

Wijetunga's United National Party (UNP), which has governed the country since 1977, will make its recommendations to amend the Constitution to a parliamentary committee headed by Prime Minister Ranil Wickremesinghe, the president said.

Any amendment to the constitution requires a two–thirds majority or a nationwide referendum. Wijetunga's UNP currently does not enjoy a two–thirds majority in parliament, with 125 seats in the 225–member assembly.

The President argued that under the present system the majority Sinhalese community was polarised, giving a decisive vote to the minorities.

Under the island's second Republican Constitution J.R. Jayewardene was elected the country's first Executive President for a six–year term with the island turned into a single constituency for the Presidential poll.

The electoral system based on a single transferable vote was partly introduced to give leverage to the country's ethnic and religious minorities who comprise 34% of the vote.

Another reason for the initial proposal of a President directly elected by

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Bishops Call for Ceasefire

A Roman Catholic church delegation led by the Colombo Archbishop Rt.Rev. Nicholas Marcus Fernando, the Bishop of Batticaloa and Trincomalee, Rt. Rev. Kingsley Swampillai and the President of the Conference of Major Religious Superiors, Rev. Fr. Alfred Alexander which visited the war–torn Jaffna peninsula from January 25 to 28 has called for a ceasefire in the fighting between government forces and the Tamil Tigers.

The call for a ceasefire came after the Bishops had talks with LTTE leaders including Tiger spokesman Anton Balasingham and had explored the possibility of resolving the conflict in a 'spirit of brotherhood and compassion'. 'We wish both sides begin making some positive gestures', said a statement issued after the delegation returned to Colombo after their three–day visit.

During their stay in Jaffna, the religious leaders visited several places affected by the ongoing war, including the St. James Church which was severely damaged during a bombing raid by the Sri Lankan airforce in December last year. They also were allowed to visit and speak to police and army personnel kept in custody by the Tigers. The delegation was warmly welcomed by civilians, now on the verge of despair, fearing that no early solution can be found to the chaos and violence which surrounds them. They also participated in several religious ceremonies and prayers.

It is learnt that the Bishops were not given the opportunity of meeting the Tiger leader Mr. V. Prabhakaran. Although details of the discussions between the other Tiger leaders and the Bishops have not been released to the public. It is believed that they would have briefed the President, Prime Minister and the Army Commander Lt. Gen. Gerry de Silva whom they met after their return to Colombo.

According to reports from Colombo, Anton Balasingham on behalf of the LTTE had told the delegation that they were prepared to begin talks with the government unconditionally and were awaiting government proposals. He had said that the LTTE was no longer insisting on a separate state and would accept a settlement within a unitary framework. He called on the government to restore electricity to the Jaffna peninsula as a goodwill gesture towards normalcy. He had promised that the LTTE would release captured policemen and soldiers if the government lifted the ban on the transport of prohibited items to the north.

The church delegation after meeting the President, Prime Minister and the Army Commander said that they saw an apparent keenness on all sides for talks. Reflecting a significant change in the government's stance, the Army Commander Gerry de Silva is reported to have said that LTTE did not have to lay down arms as a condition for talks with the government.

Subsequent to the visit by the Catholic delegation, Anglican Bishop of Colombo, Rt.Rev. Kenneth Fernando has also left for Jaffna on another peace mission. It will be recalled that Bishop Fernando visited Jaffna in January last year on a similar mission.

CWC Dispute Continues

Gamini Dissanayake, who took over the leadership of the Democratic United National Front (DUNF) following the assassination of Lalith Athulathmudali, is happily back in the United National Party (UNP) with many of his followers including the Front's General Secretary G.M. Premachandra. Cabinet Minister and President of the Ceylon Workers Congress (CWC), S. Thondaman, has welcomed Mr. Dissanayake's move. However the troubles which originated within the leadership of the CWC with Mr. Thondaman's unilateral decision to support Mr. Dissanayake's bid to become Chief Minister of the Central Provincial Council by supporting a no–confidence motion against the UNP's Chief Minister still persist.

Mr. Thondaman's decision to support Mr. Dissanayake's bid was at a time when the former was engaged in a game of brinkmanship with President Wijetunga over some demands purely relating to plantation workers. State Minister and General Secretary of the CWC, Mr. Sellasamy and some of his close associates including eight Members of the Central Provincial Council did not see any merit in Thondaman's action in supporting Gamini Dissanayake to become Chief Minister. Way back in the late 1970s, it was Mr. Dissanayake along with Mr. Cyril Mathew who formed the Lanka Jathika Estate Workers Union (LJEWU) as a rival to the CWC. Poaching of CWC members by Dissanayake and Co., to join the LJEWU led to violent confrontations and clashes between the two Unions. Plantation workers have not forgotten the role played by Mr. Dissanayake, then a cabinet Minister under President Jayawardene, during the July 1983 communal attacks in the Kandy area.

The hitherto unchallenged President of the CWC was furious when 8 of the 15 PC Members belonging to the CWC failed to turn up to the Council

Continued from page 5

the people was to make it necessary for a Presidential candidate to adopt a pluralistic electoral strategy and woo the minorities. The minorities also had the assurance that a President who had to woo them would address their grievances, and more significantly be above ethnic and religious prejudice. This was one of the main reasons that endeared President Premadasa to the minorities, who showed he was above ethnic prejudice.

Wijetunga however, is quite explicit that he is no longer going to allow the minorities to exercise such electoral influence. He seems to disregard the fact that the Ceylon Workers Congress (CWC), the powerful plantation trade union led by Minister S.Thondaman, has been an important vote bank for the UNP and has greatly contributed to the UNP's success at the polls.

Wijetunga's proposal has come under fire from the opposition and it is unlikely the ruling party will be able to get a two thirds majority required to see the amendment through. The SLFP that is fielding Mrs. Sirima Bandaranaike at the next Presidential poll, is opposed to the amendment proposed by the President because, it feels that it has the more charismatic candidate and at a popular national poll will be able to sway the electorate in her favour.

The President has by his recent public utterances alienated the minorities. The minorities who are demanding a sharing of power both at provincial and national level see Wijetunga's moves as an attempt to dilute and diminish their role in national politics. What President Wijetunga seems to feel is that he will receive from the Sinhala community whatever minority votes he would lose by this kind of public posturing.

Political analysts however are not convinced that Wijetunga has done his arithmetic correctly. With the southern vote remaining divided, if the UNP loses the minority vote it could well place its re–election in jeopardy.

meeting at which the no–confidence motion was to be taken up, thereby flouting Mr. Thondaman's decision. There was no doubt that Mr. Sellasamy had colluded with the 8 rebel members and Mr. Thondaman knew that his General Secretary was behind their action.

What followed was a well publicised dispute which is now being fought in the courts. At a meeting of the National Council of the CWC presided over by Mr. Thondaman, Mr. Sellasamy and the 8 rebels were suspended, and Mr. Sellasamy was prevented from entering the CWC headquarters to carry out his functions as General Secretary. This action prompted the rebels to go public with accusations that Mr.Thondaman was grooming his grandson. Mr. Arumugam who is the Officiating Finance Secretary, to succeed to the leadership of the CWC. There were also accusations of misappropriation of CWC's finances.

Mr. Sellasamy did not meekly submit to the action taken against him. He applied to court and obtained an order against the National Council's decision prohibiting him from entering the CWC office to carry out his functions. He also obtained an interim injunction restraining Mr. Thondaman or any other person from convening, conducting or participating in any meeting of the National Council or Executive Council until final determination by court.

Many well–wishers of the CWC have made several attempts to bring about a rapprochement between the two factions without much success so far. Having initially encouraged the split and sided with Mr. Sellasamy, the UNP leadership – Prime Minister Ranil Wickremasinghe and UNP's General Secretary Sirisena Cooray including – has of late been involved in behind the scene moves at bridge–building between the factions. It is learnt that following discussions, State Minister for Hindu and Religious Affairs P.P. Devarajah had taken the rebels to meet Mr. T and made them to apologise to their leader and ask for his forgiveness.

However, Mr. T is not satisfied He wants the rebels to withdraw the court action and the interim injunction, and thereafter Mr. Sellasamy and others should appear before the National Council and ask for his pardon in public. But the rebels insist that before the court action is withdrawn, their suspension should be rescinded. The [illegible]ional dispute therefore continues.

U.N. COMMISSION ON HUMAN RIGHTS

Self-Determination Issue Raised

Seventeen Non–Governmental Organisations have raised the question of the right of the Tamil speaking people of Sri Lanka to self-determination during the ongoing Fiftieth Session of the United Nations Commission on Human Rights.

In a joint statement presented at the Commission, the NGOs express their view that the Secretary General of the UN should consider invoking his good offices with the aim of contributing to the establishment of peace in the island of Sri Lanka through respect for the existence of the Tamil homeland in the North–East of the island and recognition for the right of the Tamil people to freely determine their political status.

The NGOs, which include the World Council of Churches, American Association of Jurists, International League for the Rights and Liberation of Peoples, International Educational Development Inc., International Association for World Peace, International Indian Treaty Council, Commission for the Defence of Human Rights, and Centre Europe–Tiers Monde, in their joint submission stated:

'The armed conflict in the island of Sri Lanka and the continuing violations of humanitarian law cause us deep and grave concern. In March 1987, the Commission in a Resolution on Sri Lanka called upon all parties to the armed conflict in the island to respect fully the universally accepted rules of humanitarian law.

'Six years later in February 1993, at the 49th Session of the Commission, 15 non governmental organisations in a joint statement under agenda item 9 declared that there was an "urgent need for the international community to recognise that the Tamil population of the North and East of the island were a people with the right to freely choose their political status" and further that such "recognition would prepare the ground for the resolution of a conflict which had taken such a heavy toll in human lives and suffering during the past several years."

'However, today, an year later, the economic blockade imposed on the Tamil homeland continues and Tamil civilians continue to be subject to indiscriminate aerial and artillery bombardment by the Sri Lanka armed forces. The attacks on the Tamil homeland have been coupled with the declared opposition of the Sri Lankan Government to the merger of the North and East of the island into a single administrative and political unit. After more than two years of deliberations, the Parliamentary Select Committee mechanism has failed to resolve the conflict and in August 1993, Sri Lanka rejected a peace initiative submitted by four Nobel Laureates.

'Furthermore, the President of Sri Lanka has declared in recent months, on more than one occasion, that there is no "ethnic problem" in the island, but that there is only a "terrorist problem". It is our view that the peaceful and just resolution of the conflict in the island will not be furthered by a blanket categorisation of the armed resistance of the Tamil people which arose in response to decades of oppressive alien Sinhala rule as "terrorism". It is also our view that there is a need to recognise that the deep divisions between the Sri Lanka government and the Tamil people cannot be resolved by the use of force against Tamil resistance.

'The Tamil population in the North and East of the island, who have lived from ancient times within relatively well defined geographical boundaries in the north and east of the island, share an ancient heritage, a vibrant culture, and a living language which traces its origins to more than 2500 years ago.

'The 1879 minute of Sir Hugh Cleghorn, the British Colonial Secretary makes it abundantly clear that:

> "Two different nations, from a very ancient period, have divided between them the possession of the Island: the Sinhalese inhabiting the interior in its Southern and western parts from the river Walloue to Chilaw, and the Malabars (Tamils) who possess the Northern and Eastern Districts, These two nations differ entirely in their religion, language and manners."

'Before the advent of the British in 1833, separate kingdoms existed for the Tamil areas and for the Sinhala areas in the island. The Tamil people and the Sinhala people were brought within the confines of one state for the first time by the British in 1833. After the departure of the British in 1948, an alien Sinhala people speaking a language different to that of the Tamils and claiming a separate and distinct heritage has persistently de-

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nied the rights and fundamental freedoms of the Tamil people. It was an alien Sinhala domination which found expression in the disenfranchisement of the plantation Tamils, the enactment of the Sinhala Only law, discriminatory employment policies, inequitable allocation of resources to Tamil areas, exclusion of eligible Tamil students from Universities and higher education and in genocidal pogroms in 1958, 1977 and again in 1983. At the same time systematic state aided Sinhala colonisation attempted to render the Tamil people a subject minority in parts of their own homeland. In 1946, there were 23,400 Sinhalese in the Eastern Province constituting 8.4% of the population. By 1981 this number had increased tenfold to 234,000 and constituted 25% of the population of the Eastern Province.

'A social group, which shares objective elements such as a common language and which has acquired a subjective political consciousness of oneness, by its life within a relatively well defined territory, and by its struggle against alien domination, clearly constitutes a "people" with the right to self-determination and in our view, the Tamil population of the north–east of the island are such a "people".

'It is also our view that the Secretary General should consider invoking his good offices with the aim of contributing to the establishment of peace in the island of Sri Lanka through respect for the existence of the Tamil homeland in the NorthEast of the island of Sri Lanka and recognition for the right of the Tamil people to freely determine their political status.'

The International Educational Development Inc., in their intervention said, that they have 'closely followed the events of the past several years in which a number of new states have become independent due to the aspirations of their people to realise their self–determination. The people of Croatia, Slovenia and Macedonia claimed the right to self–determination and then sought and won independence, joining the Baltic states and former states of the USSR as member states of the United Nations. Western Sahara and Palestine are moving towards realization of self–determination. In earlier years the peoples of other states – Norway, Belgium, Korea, Austria, Poland among others – achieved the same goals.

'"All people have the rights to self–determination" declare the two covenants of international human rights law. Our organization would like to emphasize the word ALL. This word does not mean that only certain peoples, such as those who are favorites of one government or another, have the right. This word does not mean that only white, Eastern Europeans have the right. This word does not mean that only those who fight for the right or only those that do not fight for the right have it. The word all means all. In the words of legal scholar Professor Chen, the right to self–determination is "deeply rooted in the concept of human dignity." He maintains that self–determination has as its heart the peoples' wish to be "active agents of their own history". Self–determination is the other side of the coin of democracy The International Court of Justice, in its Western Sahara Case (I.C.J. Reports 1975) identified the elements of "people": subjective and objective national identification with a relationship to identifiable territory.

'Regardless of the high esteem that the international community has afforded the right to self–determination in international instruments, the same international community has been reluctant to apply the principle or, most appallingly, has applied it in a biased way. One claim is that self–determination threatens territorial integrity which should always be paramount. We agree with Elena Bonner, widow of Andrei Sakharov that the principle of territorial integrity should never be used to justify fraudulent territorial claims or to suppress the legitimate demands of an indigenous population. Regrettably, some misguided or biased persons and governments also refer to peoples who aspire to self–determination as "unreasonable" as if they should accept less than their full rights. Some of these same persons speak of those who assume leadership positions among their people as "ethnic entrepreneurs" – an inflammatory and prejudiced characterization certain to lead to more difficulties among peoples. Surely no one would refer to Mazzini, George Lazar, Koscuisko, or the royal families of various countries as "ethnic entrepreneurs."

'The situation in Sri Lanka is one that has suffered greatly from biased and discriminatory treatment. In fact, the Tamils themselves – the victims – have been accused of being unreasonable and falling under the sway of ethnic entrepreneurs.'

Mysterious Nomination

Who included the name of army man, retired Brigadier Daya Weerasekera, to be part of the Sri Lankan government's delegation to the presently ongoing session of the UN Commission on Human Rights in Geneva, Switzerland? Neither the Army Headquarters nor the Defence Ministry did, and both have specifically denied doing so.

Among names comprising the delegation prepared by the Foreign Ministry, the retired Brigadier's name had been listed simply as 'Mr. Wijesekera' with an invented designation given as 'Director of Human Rights, Ministry of Justice'. There is no such post in existence in the Ministry of Justice!

Whoever who was responsible for this mysterious inclusion of Mr. Wijesekera went one step further to find a place for him in the delegation. The name of Senior State Counsel, Mr. Nihara Rodrigo of the Attorney General's Department who has been a member of Sri Lanka's delegation for the last several years had been dropped from the list.

Brigadier Wijesekara, who is on pay and pension after retirement, was previously responsible for media relations at the now disbanded Joint Operations Command, and subsequently became Director of Psychological Operations. It is wondered whether those who wanted the retired Brigadier to go to Geneva felt that there was a need to carry out some psychological operations among other delegates attending the UNCHR sessions.

The plan had been for Mr. Wijesekera, who was attending a seminar representing the Sri Lankan army at Bangkok, to proceed to Geneva direct from there. But the plan fell through by President Wijetunga's intervention when the unhappy Senior State Counsel who was dropped told his boss, the Attorney General who is also a member of Sri Lanka's delegation. The President has ordered an inquiry into the mystery of Mr. Wijesekera's nomination.

Electoral Gerrymandering in the East

Aim: North-East Breakup

by our Special Correspondent

The eastern command of the Sri Lankan army and the United National Party consider the forthcoming local government polls in the east important for enhancing their credibility in the south, and with the international community. The UNP which under the leadership of President D.B. Wijetunge is endeavouring to stir nationalist sentiments among the Sinhalese in order to secure their consolidated vote at the forthcoming Presidential election, is under great compulsion to show that it is making some progress in winning the war in the northeast – to match its militant rhetoric with at least one substantial deed.

Speaking at the opening of Wembiwatte Development Project at Udunuwara on 6 February, the President said: 'A divided majority community could spell the doom of a nation and lead to the loss of the country. In such an eventuality we (read Sinhala Buddhists) all will have no alternative but to jump into the sea'. The President's Anuradhapura speech made a week earlier was similarly aimed at appealing to the majoritarian passions of the Sinhala voters whose unified electoral strength has become the most valued commodity in the UNP's eyes after it debunked Premadasa's formula which had sought to achieve victory by ensuring bloc minority votes in the context of a divided Sinhala vote.

Central to the UNP's present stand is the question of Eelam War Two. There is general satisfaction among a section of the Sinhala press and middle class that D.B., unlike his predecessors, has brought Thondaman to heel and is truly committed to the political welfare of the majority. However, the government's inability to prevent further military debacles in the north this year which is election year for the UNP and 'the year of battles' for the LTTE, can become a major handicap for D.B. and his men as election day approaches. This is felt acutely by UNP strategists in view of the fact that the Presidential election has to be held in all provinces of the country for it to be valid.

The northern province, with the exception of the now sparsely populated Mannar island, Kayts and Karainagar, is under LTTE's total control. The UNP cannot explain this to the Sinhala nationalists and masses at this critical juncture as reason for postponing the Presidential polls which are due in December. They are fully aware that the opposition can immediately pounce on the matter and cry foul at the government, accusing the UNP of deliberately sabotaging the army's efforts at retaking the north with a view to postponing the election in order to perpetuate its rule illegally. All this spells serious trouble for the government especially when most military intelligence reports from the north are said to indicate another major LTTE offensive.

It is under these circumstances that the government appears to have found the army's pacification plan for the east quite attractive. The first step in this plan was to hold local government elections in the east which if successful was expected to facilitate the gradual reduction of regular troops from that region enabling the army to undertake major operations in the north so that the government may have a few vital population centres there under its control in time for the Presidential poll. This of course looked good on paper, although no one seemed to have a clear idea how in concrete terms the successful conduct of the local government polls in the east could ultimately be directly conducive to the withdrawal of troops from the east for redeployment in the northern theatre of operations. But eastern commander Maj. Gen. Lucky Algama declared quite confidently in a recent statement quoted in the press that once the elections were held even the little influence the LTTE had in the region would soon be a thing of the past and that life would return to normal.

The prestige of the army in general and that of its eastern command in particular is at stake. The high command could not let the world see that there were certain areas in the east where it was not possible to persuade people to participate voluntarily in this election. The government and the top brass of the army were equally shocked and alarmed when it transpired that in two places which were long assumed by them to have been brought under the complete control of the elite commandos of the Special Task Force, Thirukovil and Alayadivembu in the southeastern part of the Ampara district, no one – including the former UNP organizer and senior politician of the area 'chairman' Dharmalingam was ready or willing to contest the Pradeshiya Sabha election on behalf of any party. The UNP had been so sure of the STF's performance in the area that it frequently suggested to many western envoys based in Colombo to go and see for themselves the excellent manner in which normalcy had been restored in the Tamil areas of the Ampara district by the STF – not failing in the process to impress upon them that if ample resources could be made available for the type of counter insurgency practised by the STF in addition to international support for pacification programmes in such areas the LTTE menace could be wiped out rapidly and systematically.

A similar situation arose in Karaithivu as well where the village as a whole was on the verge of boycotting the elections to register their protest against the failure of the government to grant their long standing demand for a separate Tamil Pradeshiya Sabha (the village which was twice affected by Tamil Muslim clashes sandwiched as it is between two Muslim villages is presently part of the Muslim dominated Ninthavur P.S.).

The STF averted a great embarrassment in Thirukovil and Alayadivembu by quickly drawing up a nomination list comprising three LTTE surrendees and six suspected LTTE sympathisers who after their release from custody were regularly reporting to the STF commandante, and three young men who had at one time or the other been associated with the non-LTTE groups. The leading candidate of this group is 'Ram' known as Pathman in the village, a boy aged 19 who had returned from Madras three months earlier. He had been an EPRLF 'helper' during the brief period in which the ill-fated Tamil National Army (TNA), was stationed in Thirukovil and had fled to India with the EPRLF in 1990. The STF has now provided him with two bodyguards and a vehicle for him to travel about. He says that the STF has promised him victory and a substantial stipend.

The government also acted on its own meanwhile and compelled the EPDP leader Douglas Devananda to field some candidates in this area – which he promptly did. But the EPDP also had to fill the nomination list with the names of its own cadres. The army was also worried when it appeared that no one was in a hurry to file nomination papers in Batticaloa and

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the Tamil majority areas of Trincomalee. The TELO, PLOTE, EPDP and that section of the EROS in the east which had rejected the group's leadership in Colombo were actually having a hard time coming up with a list of credible candidates and as a result have been compelled to delay their nominations until the last day.

The army however was not prepared to take any chances. It knew that the credibility of the whole exercise would be in jeopardy if only the UNP were to file nominations in the Tamil dominated areas of Trincomalee and Batticaloa districts. The military intelligence unit which is located at the prison building in the Batticaloa town under the command of 'Major Zacky' promptly prepared nomination lists for the Batticaloa Municipal Council, Koralai Patthu north P.S. (Vakarai), Koralai Patthu P.S. (Valaichenai), Chenkaladi P.S., Manmunai Patthu P.S., Kaluwanchikudi P.S., Vellaweli P.S., Pattipalai P.S. and Vavunathivu P.S. In each of these areas the 'independents' contesting, having been put up by the army, are generally referred to as the 'A' group.

In the Batticaloa Municipal Council the independent group nominated by the army is led by R. Raghavana, an LTTE surrendee who had been a Tiger tax collector in the Paduvankarai region west of Batticaloa before he surrendered to the military intelligence unit in the Batticaloa prison. The LTTE has claimed that he escaped to the army's side while he was under investigation for embezzling their monies. The other LTTE surrendees who are 'contesting' on behalf of the army are relatively unknown, being very young and new to the areas in which they are 'contesting'. As in Thirukovil some individuals who had little to do with politics ever in their past have also been forced by the army to sign on nomination lists. Korala Patthu north (Vakarai) is one area where the army could not come up with many LTTE surrendees; hence the 'A' group here comprises largely innocent individuals who were thus forced to sign up.

Although the army has given protection to all such candidates, many of them have gone directly or sent close relatives to LTTE base areas in the hinterland to explain their predicament and thereby to seek assurance that they would be spared of punishment. The LTTE however, contrary to the general expectation that it would do everything in its capacity to disrupt the elections, is playing it cool as it were. Almost all candidates who directly or indirectly approached the Tigers to seek sanction or pardon or both have been told that the local command hasn't received any orders on the matter from their headquarters in Jaffna. However in the case of three candidates in Vakarai north of Batticaloa who had been informed in a lighter vein by the local Tiger commander: 'We do not have any orders as yet about the polls. But if we do get, all of you can take poison rather than wasting your time coming to me'. Only one person was allegedly shot dead by the LTTE at Sittandy on the Batticaloa – Valachonai Road, a few days before the nominations were filed. There were conflicting reports about the incident and no one could say with certainty whether it had anything to do with the elections. The brief excitement in Batticaloa over an alleged shooting incident in front of the UNP mayoral candidate's house transpired to be a farce.

Some candidates, including those on the UNP list are apparently keen to cultivate the impression that they have the LTTE's agreement for what they are doing. The UNP's chief candidate for the Batticaloa Municipal Council, Mr. M. Pathmanathan stays at home without police or army protection saying that he has nothing to fear from 'the boys' for he has not betrayed anyone. He argues that the Batticaloa branch of the UNP – of which he is the treasurer – had in fact vehemently objected to its party leadership in Colombo that conditions were not suitable at all to hold local government polls in the district. Yet, he points out, 'it was the TULF M.P., Mr. Joseph Pararajasingham who called on the government to hold this election', (he has a clipping from the Virakesari at hand in which Joseph's statement appeared). There is some truth to Mr. Pathmanathan's claim in that Mr. Easwaran who is the secretary to the Batticaloa branch of the UNP has expressed his displeasure with his party leadership's decision to go ahead with the polls by keeping away from Batticaloa.

There appears to be some acrimony between the Tamil and Muslim members of the UNP's district committee over the allocation of campaign funds which has been entrusted to the committee's chief Mr. Rizvi Sinnalebbe. The initial reluctance of the UNP's Tamil organizers in Batticaloa about participating in the polls created a crisis for the party leadership in Colombo which had to somehow file nominations without delay. Again the military intelligence unit of Major Zacky was put on the job. This time however, he asked Mohan's group which operates under him to assist the UNP in the Tamil majority areas of the district. Thus many leaders of this group such as Selva of Cheddipalayam and 'Rangan' are contesting as UNP candidates. But Mohan himself has shrewdly avoided being made a candidate although he regularly visits Mr. Pathmanathan to discuss party 'work'. (Human rights groups have claimed that Mohan and the former military intelligence chief for Batticaloa, 'Captain Munaz' were responsible for many gross violations in this district).

The majority of the candidates put on the UNP list by 'Major Zacky' and Mohan believe that even if they lose the election the government would suitably compensate them by helping them go abroad or settle comfortably in the south. But all of them, particularly in the hinterland Pradheshiya Zabhas are convinced that the army and the STF would somehow help them win. In areas such as Cheddipalayam, Puthukudi Iruppu, Mankadu and Kaluthavalai on the Batti-Kalmunai Road the STF and police have informed people during 'round up' operations that voting for the UNP would ensure 'peaceful coexistence'. The UNP pamphlets for this area were collected from the printer in Batticaloa town by the police whereas no printer was ready to undertake work for the TELO-PLOTE independent group and the EROS. However in some remote areas the local commanders have informed the people and all candidates that they would not take anyone's side but would only ensure security and see that everyone turned up for voting. The Police it appears is more likely to work for the UNP given the fact that the person in charge of security in the Batticaloa and Amparai districts is senior Superintendent of Police Mr. Majeed (formerly of the National Intelligence Bureau – NIB), who is also a leading member of the UNP in the eastern province and who contested the last general election in the Amparai district on the UNP ticket.

All this has further exacerbated the relations between the government and some minority parties which had been close to Premadasa. Things started turning quite sour when D.B. kept harping on the insidious refrain that there is no ethnic problem and chose to ignore the role of these parties in national politics. Things came to a head with the President's Anuradhapura speech in which he made it clear that the minorities should not be allowed to have a decisive political clout in the national electorate to the detriment of the Sinhala majority. This provoked angry retorts first from Mr. Kumar Ponnambalam and later from the Vice President of the PLOT's

political wing – DPLF, Mr. Karavai Kandasamy. The speech perturbed not only the Colombo based Tamil parties but jolted many Muslims as well.

That the UNP under the leadership of President D.B. Wijetunge has completely alienated and antagonised all the minority political parties and groups, the friendship and loyalty of which had been carefully cultivated by President Premadasa, is quite evident in the current propaganda of the SLMC, PLOTE, EROS and TELO at the local government polls. (The EPDP, for reasons best known to its leader Mr. Douglas Devananda has not uttered a word against the UNP thus far). An SLMC pamphlet issued in Kalmunai says: 'the Sinhala chauvinist hordes scream on one side that there won't be Eelam nor federalism and that the east should be separated from the north. The UNP and the SLFP are united in their desire and slogan that the east should be prised from the north, and are attempting to oppress the aspirations and feelings of the minorities.' The SLMC also warned Tamils that the struggles of their leaders since 1956 and the sacrifices made by their militant youth in the last fifteen years will be made meaningless if they vote for the 'chauvinist UNP and SLFP'. And in Batticaloa as the days go by the anti-UNP propaganda of the TELO-PLOTE combine which has fielded candidates for all the local bodies in the district, is assuming increasing virulence.

Govindan Karunakaran-Jana, MP for Batticaloa turned hostile to the ruling party after an incident at the Batticaloa kachcheri in which he had a heated exchange with Sirisena Cooray, UNP's General Secretary, over the latter's demand that the TELO should contest on the UNP's amalgamated list. Jana who voted with the government on the emergency as a matter of routine in the past, accused the UNP in parliament of indulging in dire election malpractices in Batticaloa with the assistance of the security forces and following this he voted against the government on the extension of the emergency.

A pamphlet issued by the independent group backed by TELO and PLOTE says: 'The evil and deceit perpetrated by the government on the eastern Tamil is great. It has imposed another problem on the Tamils of Batticaloa who have been exhausted thus, in the form of an election. In this election the only question before us is whether what is going on is a terrorist problem or an ethnic conflict? The government leadership is trying to fool us by saying that there is no ethnic problem but only a terrorist problem. . . . .let us make use of this election to tear apart the government's terrorist facade to show the world the truth.' It also quotes a verse by Barathy in which it is said: 'Do not fear those who do evil when you see them, attack and trample them, spitting on their face' (read UNP).

A pamphlet by the Batticaloa EROS led by one Prabhaharan also adopts a similar tone. (Although the Colombo leadership disowns him, Prabhaharan says that he entered the fray with the blessings of the organisation's Madras based leader Shankar Raji and that his election funds are from 'Haran' – another EROS leader who is said to be in London).

What is more significant is that few of the participants have paused to give thought to the possibility that the local government elections in the east may be the noose given them by the government to hang themselves. The noose will tighten and seal their fate if and when the government decides to hold the referendum to separate the east from the north. Why should it be so? This election is being held on the basis of the electoral register for 1993 prepared from the enumeration carried out in the east in 1992 when the war was being fought with great intensity in that province. And as such this register reflects the gross demographic engineering that was taking place under the guise of military operations with the aim of creating overnight an overwhelming Sinhala majority in the eastern province. Thousands of Tamils who were forcibly evicted from their traditional homegrounds, thousands of Tamils who fled to India and the north as refugees and thousands of internally displaced Tamils have deliberately been excluded from this electoral register, thereby depriving them of the right to vote. At the same time several hundred thousand Sinhalese who were brought into the east from the south have been to a man registered as voters. In some instances many thousands of Sinhalese living elsewhere have also been given a double vote – one in their area and one in the east – adding greatly to the number of 'ghost' voters at the disposal of the UNP and the government. Now if the government holds the referendum on the basis of this electoral register it will get a comfortable majority in favour of separating the east from the north.

By contesting the local government polls on this register, the Tamil groups will sanction its validity, which in turn will enable the government to argue its case with the international community that the result of the referendum is derived from a premise (the register) legitimised at the local government elections by the Tamils themselves. Then it would transpire that the Tamil groups which participated in this local government election have been the unwitting instruments of destroying the unity of the Tamil homeland and making the eastern Tamils a hapless and dwindling minority on their own soil.

Control of NGO's under Emergency laws

In the wake of the submission of the Report by the Presidential Commission of Inquiry on Non-Governmental Organisations appointed by former President R. Premadasa, the Government has swiftly moved to control NGOs and their activities using emergency powers under the Public Security Ordinance.

On 22 December, President D.B. Wijetunga promulgated emergency regulations providing for wideranging controls over NGOs. Among other matters, the regulations provide for the compulsory registration and monitoring of the activities of NGOs which are in receipt of money, goods and services in excess of Rs.50,000 per year, and for the monitoring of NGO receipts and disbursements for money, goods and services in excess of Rs.100,000 a year.

The NGO community in Sri Lanka and their partners abroad were completely taken by surprise at the government's action in using emergency powers to control NGOs even prior to the publication of the Commission's report and subjecting it to public consultation and debate and without following the normal course of enacting legislation if it wanted to implement the Commission's recommendations. The government's excuse for having had recourse to emergency powers is that preparing and enacting legislation would take a long time.

The NGO Commission in its report had recommended enactment of legislation to cover compulsory registration, monitoring of foreign funding, appointment of a Commissioner of NGOs, establishment of a secretariat, establishment of a NGO Fund and necessary co-ordinating machinery at different levels of government.

The emergency regulations require NGOs to register with the Director of

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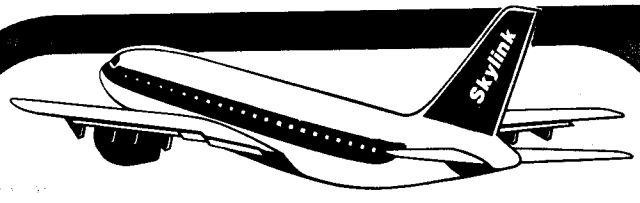

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Tinkering with the Constitution

by Professor A. Jeyaratnam Wilson

It is almost certain that there will be some tinkering with the Constitution. A cabinet committee is looking into this question. There are three major barriers to be crossed. Firstly the government has to muster a two–thirds majority in Parliament. Secondly to obtain this majority the main opposition grouping, the Sri Lanka Freedom Party will have to cooperate to enable amendments to conform to the required two–thirds majority. This may be impossible. The SLFP may insist on a total package of reforms including the abolition of the Executive Presidency and the restoration of cabinet/parliamentary government. It could refuse to support piecemeal changes which do not radically depart from the present structure. It might be wiser however if it accepted changes to the system of proportional representation (PR) and modifications to the provisions for the referendum in the Constitution, reserving to itself the right to abolish or amend the powers of the Presidency when it takes office. Thirdly the Supreme Court must pronounce on the constitutional validity of proposed changes and whether, in certain instances, a referendum will be required. The Supreme Court is supposedly an independent institution and virtually a third chamber of government. But it has already been constituted by UNP presidents.

The government has declared that it has no intention of abolishing the Executive presidency. There is a possibility of it modifying its stand. There may be niggling attempts to have President and cabinet share power. For example the practice of the President holding portfolios in which subjects there is no minister accountable to Parliament may be done away with. In the past, not even the Prime Minister (in particular Mr. Premadasa) answered for the President's actions in the latter's capacity as Minister of Defence. Another possibility is for there to be a Deputy Minister (of, for example, Defence) who could then be responsible to the legislature. Whether this will be acceptable to the Opposition is another question. Ideally the President should divest himself of all cabinet portfolios because he is not present in Parliament to answer. Yet another is for the Prime Minister to take responsibility for all the portfolios held by the President. But why should he or how can he because he has no control over any of the departments attached to these portfolios.

One last possibility is for the President to share power with the Cabinet. The question of power sharing will not arise if there are contradictory majorities. Then the Prime Minister who will command the support of a party different from that of the President will advise the President to appoint ministers of his/her choice. But two obstacles stand in the way. What if the President refuses? And what remedies are available to deal with a recalcitrant President? The second hurdle follows from the first.

The blessed vagueness of the Constitution as outlined in Article 37 (1) and (2) could provide a way out of such an impasse but only if the President realises the impotency of his situation. Article 37 (1) states that if the President 'is of the opinion that by reason' of, among other things (such as illness, absence from Sri Lanka), 'he will be unable to exercise, perform and discharge the powers, duties and functions of his office, (in this case, because he has no majority in Parliament), he may appoint the Prime Minister to perform his functions 'during such period'. This would thus be the way out, should there be a contradictory majority in parliament. The intention of including the words 'during such period' was clearly intended to be for a temporary phase. But it could, in view of its vagueness, be interpreted as meaning for the entire period that the Prime Minister commands the majority.

But what if the President remains obstreperous. Again the vagueness of Article 37 (2) can be utilized. Here the assistance of the chief justice will have to be invoked. This subsection states that 'if the Chief Justice in consultation with the Speaker is of the opinion that the president is temporarily unable to exercise' his functions, 'he shall communicate in writing his opinion to the Speaker and thereupon the Prime Minister' shall assume the functions of the President. 'Temporarily' again was intended as a short period but in order to enable the constitution to work, 'temporarily' can mean where there are hostile majorities as between President and Parliament and 'temporary' can therefore be regarded as the whole of the Prime Minister's term in office while he/she commands a majority.

One way thus of remedying the situation without amending the Constitution is to provide for the Executive President not to hold any portfolio whether or not the majorities coincide and secondly for the Prime Minister to assume the functions of the President if the President is of the party with a minority of seats in the legislature. Article 31 (1) and (2) can be underscored as coming into operation in the circumstances mentioned. In the latter event, the President merely remains ceremonial head of state.

The question of power sharing in normal situations as when there are coincidental majorities is beset with problems. How can the executive power be divided? Either it must be possessed by one or other institution, President or Prime Minister (and Cabinet). Or the President must delegate power in specific areas. Firstly this cannot be done by constitutional amendment for the Opposition will not cooperate. Secondly the one who delegates can always recall such delegated powers or closely oversee its operationalizing. The latter provision will not prove satisfactory because bureaucrats must then satisfy two masters, the President and the Minister. In which case, it is the President whose authority will prevail. For instance, a minister might require a bureaucrat in his ministry to perform cerain tasks inimical to certain interests and interest groups. Under the Constitution the President can if sufficiently pressured by the vested interests concerned, countermand the directives of the minister. Interviews with the public servants indicated such problems. They said they preferred the former system where they were only answerable to the minister. Under the existing dispensation, a conflict of loyalties arises. Public officials will in the end have to follow the President's orders and this will create dissension between the bureaucrat and the ministers.

Oppositional cooperation for a constitutional amendment might be possible if provision is made for both President and Parliament to face the electors at **one and the same time**. That is, there should be no fixed term for a President. The President goes to the polls with members of the dissolved Parliament. At the end of an election there will then be a President and a Parliamentary majority of the same party or coalition of parties. The question of contradictory majorities will then not arise.

Even with such a change there is still the problem of an Executive president overriding ministerial orders to bureaucrats. This can be resolved in two ways by constitutional amendment. Ministers should be made answerable and accountable to Parliament for the actions of bureaucrats in their respective ministries. This would

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mean that a President will be obligated to obtain the consent of a minister before he gives a directive to a bureaucrat in a department of the minister. Alternatively the President directs the minister to give bureaucrats orders. If the President and minister cannot agree, the minister must resign or the President has the constitutional right to replace the minister.

On this aspect, there is, the problem of the duties of the Prime Minister. During President Jayewardene's two terms, the Prime Minister did not see eye to eye with the President on a number of crucial matters. Both men however avoided a head on collision. But when it came to President Premadasa he resolved the possibility of a clash between him and the Prime Minister by making it clear that the latter office was available to the holder for only one year at a time. This was a crude attempt to conserve power. The President will have to ensure that he appoints a PM on whom he can depend. Alternatively he will have the constitutional right to dismiss the PM and find a replacement.

There is however a more intractable problem. What are the duties and responsibilities of the Prime Minister? The Constitution only makes references to the President consulting with the PM on stated matters and for the latter to act for the President on given occasions. But consultation does not imply that the President must act on the Prime Minister's advice. So what does a Prime Minister have to do under the constitution? It may be noted that the two prime minister under the 1978 constitution were given an additional portfolio. Or else they would merely have functioned as chief of the government's majority and Leader of the House. The Prime Minister does not command authority whatsoever over ministers. Only the President does. One alternative therefore is to abolish the prime ministerial office. Another is for the Prime Minister to shepherd the government's majority and function as leader of the House and these duties are better if specified in the Constitution. He can still hold the titular office of Prime Minister.

There are two other areas that need examination. The system of proportional representation requires wholesale revision. The intention in introducing PR to ensure that parties obtained seats in proportion to the votes polled. For one thing the high cut off point of 12½ percent should be reduced to five which is pretty universal. The other is to adapt the German method of combining PR with the single member constituency, ensuring however that in the ultimate reckoning parties obtain their due share of seats in proportion to the votes polled. Under the German system the much needed contact between an MP and his/her constituency is ensured.

Briefly the German PR system adapted to Sri Lanka will be as follows: (1) a party must win 5 percent of the total national vote or 3 constituencies in the whole island to qualify (2) the voter receives two ballot papers, one for the election of representatives for each constituency in a province and the other for the list presented by each party for each province. These can be two separate ballot papers or a single ballot sheet which contains on the top half the constituency list and on the lower half the provincial list (3) each party will be awarded seats in a province on the basis of its winning seats on the first past the post system which is the same as a plurality of votes cast (no absolute majority is required). For the list, it will receive seats in proportion to the votes cast but the proportion of seats will depend on the national proportion of votes polled,. So if party A wins 10 seats in a province on a constituency basis in a house of 800 members with 100 members assigned to each province, and 20 percent of the national vote, it will receive 10 additional seats from its provincial list thus ensuring that it has obtained a total number of seats in proportion to the national votes polled. But what if Party A obtains 40 percent of the votes cast? It will then be awarded 40 of the seats allocated to the province, that is 10 constituency seats and 30 list seats, thus being permitted to retain a 'superproportion'. This means that the total number of seats in Parliament can vary depending on the assignment of seats and the proportion of the national vote won. On the other hand Party B might win 5 constituency seats and obtain 30 percent of the national vote. Then it will receive 25 additional seats from the provincial list to ensure that it obtains seats which will be in proportion to the percentage of national votes it polled (4) Party C may fail to win any constituency seats in a province but if it has qualified by obtaining 5 percent or more of the national vote and obtains 6 percent of the vote in the provincial list, it will be awarded 6 seats notwithstanding its failure to obtain any constituency seats.

The other is the referendum. A well stated aphorism is that the referendum implies the transfer of power from knowledge to ignorance or even to mass hysteria. Parliament is specially equipped to enact legislation. There is no necessity to require the input of the electorate. If it is retained, specific provision needs to be made that it not be used to, for example, extend the term of Parliament. This instrument has potential for the emergence of dictatorship. A self willed President under the existing provisions can appeal to the electors over the head of the cabinet of ministers and of Parliament and have legislation endorsed without the participation of Parliament. The best remedy is to do away with the referendum in view of the possibility of the supremacy of Parliament being undermined. If there is strong feeling that there are provisions in the Constitution that require the dual endorsement of Parliament and the people, the better route would be to entrench such provisions in perpetuity so that they cannot be changed even by constitutional amendment. If amendment must be made, a special constitutional convention could be summoned for the purpose.

Lastly there is the role of the Supreme Court whose independence is provided for in Article 107 and its composition in Article 119; it will consist of not less that 6 and not more than 10 judges besides the Chief Justice. So no additional judges can be appointed by a new government. The Supreme Court has been involved in making political decisions since independence. In political cases, the trend has been for the court to be handmaid of the executive. This need not be a problem since the court cannot, except in glaring instances of contingent injustice, hamstring the executive. The situation could however become difficult if the Court had been originally constituted with one President's yes men and a President from a different party has to confront a hostile Court. Usually the Court will be pragmatic. But it could also be obstructionist. There is only one avenue available to a President of a different party. He can offer alternative appointments, such as ambassadorships, governorships, chairmanships of various corporations and commissions and have amenable judges take the place of difficult judges. In this way a reconstituted Supreme Court can be less recalcitrant. Any other change will require a constitutional amendment which will not be available to any government without oppositional cooperation.

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THE INSIDE STORY

Tiger Deputy Leader Mahathaya's Fall From Grace

D.B.S. Jeyaraj

The Tamil political world seems to be currently plagued by an epidemic of feuds, splits and intra-organisational differences: the Dravida Munnetra Kazhagam's Karunanidhi-Gopalasamy tussle, the Pattali Makkal Katchi's Ramadoss-S. Ramachandran feud and the Moopanar-Ramamurthy battle of the Congress, and so on. If these are symptomatic of the factional disease tearing apart the body politic of important political parties in Tamil Nadu, now comes the news that all is not well in Jaffna too. The news coming across the Palk Strait is about a major crisis in the Liberation Tigers of Tamil Eelam (LTTE): serious differences between its leader Velupillai Prabakaran alias Thamby and former deputy leader Gopalswami Mahendrarajah alias Mahathaya. The image of the LTTE as a monolothic organisation has been seriously dented even if the structural fabric has not been torn apart.

Fratricidal warfare between and within the various Tamil militant groups is not a new phenomenon. Inter-organisational warfare has seen a series of clashes between the LTTE and others like the Tamil Eelam Liberation Organisation (TELO), the Eelam People's Revolutionary Liberation Front (EPRLF), the Eelam National Democratic Liberation Front (ENDLF) and the People's Liberation Organisation of Tamil Eelam (PLOTE). Intra-organisational differences among the militants has seen the Das-Bobby clash in the TELO, the Padmanabha-Devananda break-up in the EPRLF, the Shankar Raji-Balakumar split in the Eelam Revolutionary Organisation (EROS), and the various dissident groups of the PLOTE, led by Santhathiyar, Sivaneswaran, Paranthan Rajan and so on.

Whatever the differences within the LTTE, the Tigers, to their credit, were able to project to the outsider a picture of impregnable unity. Despite the rumblings of discontent that have arisen at various times within the LTTE, those sounds were never permitted to rach external ears. But now, for the first time the LTTE's International Secretariat based in London has issued a statement on New Year's eve about allegations against Mahathaya, its one-time No. 2. A subsequent statement to a Netherlands-based radio journalist by Anton Balasingham, the LTTE's political adviser, said that apart from Mahathaya three others, including Yogi, the former head of the LTTE's political wing, had been expelled from the organisation. They were now being interrogated by the intelligence network TOSIS (Tiger Organisation Security Intelligence Service) headed by Pottu Amman.

Lawrence Thilagar, the Paris-based international spokesperson of the LTTE, when contacted over the telephone by this writer, confirmed the expulsion of four persons from the LTTE for alleged involvement in a conspiracy to decimate the top-rung leadership of the Tigers, including its supremo Prabakaran. The gang of four, according to Thilagar, had allegedly collaborated with the operatives of the Indian Government's Research and Analysis Wing (RAW). Mahathaya, his chief bodyguyard Suresh and another person codenamed Engineer, were in detention. Yogi is not being detained. But all four are being subjected to a rigorous inquiry tantamount to a trial, and a verdict of 'revolutionary justice' was imminent. (This is possible even before this article is printed).

Both Prabakaran and Mahathaya hail from Velvettithurai, a coastal town in Jaffna, which is considered the hotbed of Tamil militancy. They are of the same Karayar caste and are also alumni of the Chidambara College. They are of the same age-group, Prabakaran being born in 1954 and Mahathaya in 1956. Sharing a common political objective, they have been in the same organistion for more than 15 years. Mahathaya was inducted into the movement by Prabkaran himself.

Prabakaran remains the undisputed *numero uno* of the Tigers, while Mahathaya was until recently his acknowledged deputy. Prabakaran is both the leader of the LTTE as well as its military chief. Mahathaya was its deputy leader and also the president of the now-defunct political party of the Tigers, the People's Front of Liberation Tigers (PFLT). Yogi was the leader of the LTTE's political wing and general secretary of the PFLT. Today both Mahathaya and Yogi are in the dock.

What are the circumstances that led to Mahathaya's fall from grace? The answer could be derived from pertinent events of the recent past.

Mahathaya, the regional commander of the 'Vanni' comprising Vavuniya, Mullaitivu and Killinochi districts, was elevated as deputy leader in 1987. When Prabakaran left for India in July 1987 prior to the signing of the Indo-Sri Lanka Accord, he appointed Mahathaya as acting leader until his return. More important, he also authorised Mahathaya to countermand, if necessary, any directive issued by Prabakaran from Indian soil. Later it was Mahathaya who signed on behalf of the LTTE the agreement on the North-East Interim Administration. When talks between the Tigers and former Sri Lankan President Ranasinghe Premadasa reached a decisive stage, it was Mahathaya who led the LTTE delegation. When the LTTE announced its intention of entering democratic politics and formed its political party, Mahathaya became its first president. The inaugural session of the PFLT in Vaharai in the Eastern Province was chaired by Mahathaya.

Soon talks between the Sri Lankan Government and the Tigers broke down. Fighting described as Eelam War II broke out. Mahathaya continued along with Yogi to engage in battle-oriented political activity. PFLT branches called 'Sittooravaigal' and 'Perooravaigal' were responsible for much of the civilian administration activity of the LTTE. This included, among other things, the issuance of passes to travel outside the North, the collection of civilian taxes and donations, the settlement of civilian disputes and also management of income-generated enterprises run by the LTTE. Slowly, but surely, disenchantment set in. Charges of alleged mismanagement, corruption, abuse and misuse of powers by the PFLT branches began to be levelled on a low key. Widespread resentment against the PFLT branches began to grow.

Even as this state of affairs was developing, rumours began to circulate that a rift had occurred between Prabakaran and Mahathaya. Earlier,

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during the days of the Indian Peace-Keeping Force too similar stories including one which said that Mahathaya had assassinated Prabakaran were going around. These were subsequently proved false. Likewise, the second round of rumours too were dispelled when both the leader and deputy leader mounted the stage hand in hand and jointly addressed crowds at the 'Muthamil Vizha', a cultural festival, in 1991.

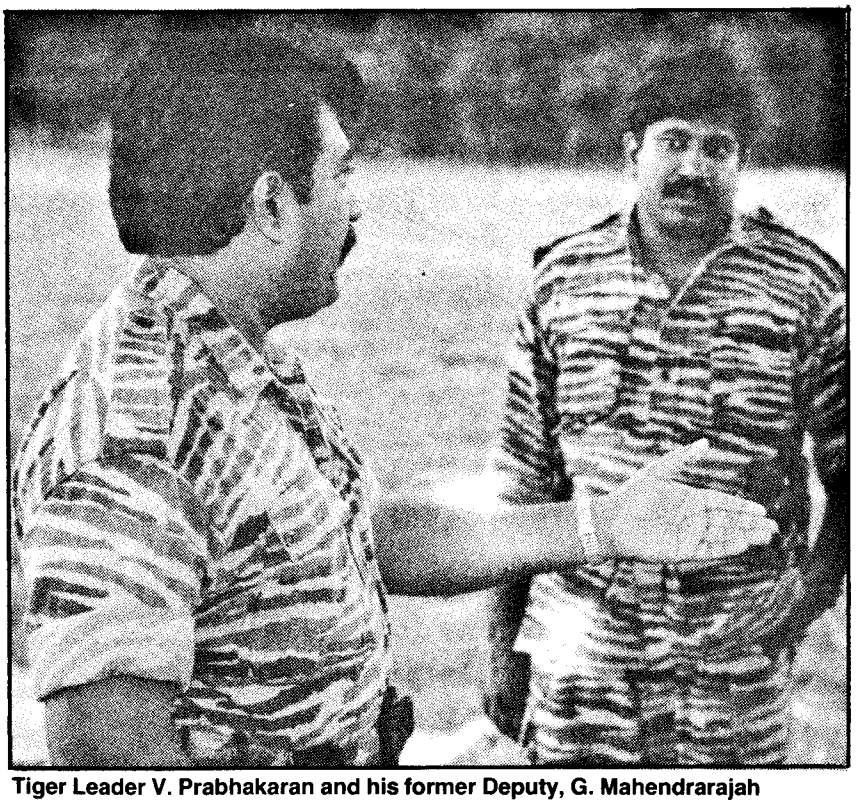
But 1992 saw the Sri Lankan armed forces under General Denzil Kobbekaduwa adopting a successful military strategy of encircling the Jaffna peninsula. A military thrust into the peninsula seemed possible and Jaffna was besieged with the 'enemy at the gates' threat. It seemed certain that the Tigers were about to revert to classical guerrilla warfare, abandoning their entrenched positions in Jaffna.

It was at this stage that Prabakaran dropped a bombshell. Summoning his senior men, the LTTE supremo announced that he was dissolving the PFLT. All branches were to be disbanded and the functions performed by them were to be implemented by the fighting cadres themselves. To the utter chagrin of Mahathaya and Yogi, no explanation was given. Apparently, neither Mahathaya nor Yogi had been consulted by Prabakaran on this issue. An official explanation is yet to be proffered by the LTTE for Prabakaran's unilateral decision.

Mahathaya was then sent on a special assignment to the East. After Kobbekaduwa and the Northern Command of the Sri Lankan Army were wiped out in a landmine blast on August 8, 1992, the military balance began to alter dramatically in favour of the LTTE. Mahathaya was recalled to Jaffna and placed in charge of refugee rehabilitation and the welfare of injured and maimed Tiger cadres. Yogi was given the responsibility of interacting with the Jaffna University faculty and undergraduates.

The walls of trust and friendship between Mahathaya and Prabakaran had breached. The chasm began to widen as personal communication ceased. According to one ex-associate, Prabakaran was waiting for Mahathaya to approach him while Mahathaya was anticipating a personal invitation by Prabakaran. It was almost like a lovers' tiff. Members and well-wishers of the LTTE watched in dismay as the rift deepened. Everyone seemed powerless to arrest the dangerous drift of affairs in the Tiger hierarchy. Mahathaya confided to a long-time friend, 'I don't know what

THE LEADER AND THE 'TRAITOR'



Tiger Leader V. Prabhakaran and his former Deputy, G. Mahendrarajah

mistake I have committed. I am waiting for the leader to clarify.'

Mahathaya began to adopt a low profile. He was virtually blacked out in the Jaffna newspapers. Also, he refrained from wearing military fatigues. While retaining his personal bodyguard of 70 cadres, Mahathaya however travelled about only with a handful. He began avoiding public events, particularly those in which Prabakaran participated. A case in point was Kittu's funeral. Mahathaya kept away by day, but at night visited Kittu's mother and paid his respects.

But events took a turn for the worse. The long nights of August 2 and 3 last year saw a swift, sharp, surgical strike by the Tigers. They comprised Tiger cadres, ex-Tiger militants, helpers, supporters and so on. There was an underlying thread. All were persons considered to be close associates or well-wishers of Mahathaya. Many had been either visiting him or had been seen in his company in the recent past.

Mahathaya too was taken into custody in the early hours of August 3. His residence was surrounded by three elite Tiger groups. One was led by Balaraja, commander of the 'Charles Anthony' infantry brigade; the second by Sornam, chief of the 'Leopards' Commando Unit and the third by Soosai, special commander of the 'Sea Tigers'. Balaraja personally requested Mahathaya to accompany them. He did so instantly and clambered aboard the vehicle along with Balaraja, Sornam and Soosai.

Mahathaya's wife Kalpana, who herself is a former member of the Tigers women brigade and belongs to the first batch trained in India, asked Balaraja where Mahathaya was being taken. She was told that he was being escorted to Pottu Amman, the LTTE intelligence chief, on the orders of Prabakaran. Later, Kalpana met Pottu Amman directly and inquired about Mahathaya. She was told Mahathaya was being detained in Kalvayal Chavakacheri and interrogated. The interrogation would take about six months and he could not be seen until that period was over.

It became known that Mahathaya had anticipated such a development and had clearly instructed his bodyguards not to offer any armed resistance if he was arrested. While the trio consisting of Balaraja, Sornam and Soosai had come prepared for an armed confrontation, Mahathaya's bodyguards did not fight. They were also arrested briefly and had their weapons confiscated. Later, all except one were released. But some reportedly refused to take back their weapons and expressed a desire to drop out of the movement.

The circumstances that led to Mahathaya's arrest were for some time shrouded in mystery. It was LTTE chief Prabakaran who lifted this veil of secrecy. In an uncharacteristic

move, the Tiger supremo summoned a cross-section of Jaffna citizens who were long-time LTTE supporters. A ten-page charge-sheet against Mahathaya was read out. Prabakaran said Mahathaya had been asked to respond to the charge-sheet by July 31. Prior to that he had requested Mahathaya to meet him, but the latter had responded negatively. After July 31 Mahathaya had been approached for his response but his curt rejoinder had been: 'Let Prabakaran come to me if he wants my explanation.' Therefore he had no choice other than to resort to this course of action, said Prabakaran. Since Mahathaya's state of mind was an unknown factor, he had resorted to a pre-emptive strike, rationalised the LTTE leader.

Details of the alleged conspiracy were also revealed. According to the charge-sheet, RAW was plotting to eliminate Prabakaran and the higher echelons of the Tiger leadership. Plans were being drawn to create a 'fifth column' within LTTE ranks. The objective was to kill Prabakaran and 10 other senior leaders, namely Anton Balasingham, Pottu Amman, Balaraja, Baby Subramaniam, Soosai, Sornam, Rathinadorai, Thamil Selvan, Karuna and Nadesan. The serious vacuum that would then occur was to be filled by Mahathaya. After consolidating his leadership, he would then cooperate in implementing the Indo-Sri Lanka Accord. Under Indian supervision, a quasi-federal system would be set up for the North-East and Mahathaya would be Chief Minister. Since Indian opinion blamed Prabakaran for Rajiv Gandhi's assassination, the LTTE supremo was politically unacceptable for any settlement and had to be exterminated. India could not risk a commando-type raid to kill Prabakaran. So the RAW had hatched a plot to kill the LTTE leader in this manner and Mahathaya was to be the cat's paw!

The charge-sheet also outlined particulars about 'Engineer'. Manickavasagam Mahendraraja alias Engineer of Punnalai Kadduvan was a Tiger who had lost a leg in an operation at Tellipalai. He had left for India by country boat to obtain a Jaipur foot. In the aftermath of the Rajiv Gandhi assassination, 'Engineer' too had been arrested. He along with Thiyagarajah, a native of Vadamaratchi now resident in Madras, had been brainwashed by RAW. They helped RAW weave the alleged web of conspiracy. Engineer had been sent to Colombo and, helped by Sri Lankan authorities, had reached the North. The suspicion of the TOSIS had been aroused by the fact that Engineer, a noted Tiger cadre with a conspicuous Jaipur foot, had been released by Indian authorities and had also travelled safely through Colombo and Vavuniya without being arrested. Subsequently the Intelligence wing discovered the details of the 'plot'. Engineer had informed Mahathaya of the conspiracy scheme. Mahathaya had allegedly agreed, and clandestine plans were being formulated for the implementation when the TOSIS struck.

Yogi was suspected because his name was not on the list of Tiger leaders to be killed. Also, he had allegedly organised secret discussions in support of Mahathaya.

Whatever be the merits of the charge-sheet outlining details of the 'conspiracy' and of Mahathaya's alleged role, it seems clear that Prabakaran is moving very cautiously. The pre-emptive mass arrest of Mahathaya supporters seems to have prevented any outbreak of open rebellion. Likewise, meeting with the public has contributed to a groundswell of negative opinion against Mahathaya at this point of time. According to other reports, a video film of Mahathaya's confession was also being circulated. The LTTE leader is also reportedly consulting cadres about Mahathaya's offence and the punishment to be meted out to him. The majority opinion among the cadres would be adhered to. However, Prabakaran has gone on record that 'traitors', regardless of who they are, would be dealt with in the same manner as the EPRLF and TELO.

Despite the facade of 'revolutionary justice' being meted out to Mahathaya, the action has all the hallmarks of a kangaroo court. As in Kafka's *The Trial*, the verdict seems to have been already arrived at. The basic tenets of natural justice have been violated. The principle of the presumption of innocence unless proven guilty has been convoluted into the presumption of guilt unless proven innocent. Ironically, Mahathaya too in his heyday of power violated these principles and meted out summary justice, resulting in cold-blooded execution.

Already, residents of Jaffna have been advised by Tiger cadres to remove portraits of Mahathaya hanging in their homes. Pictures of Mahathaya have also been removed from LTTE establishments. Likewise, the LTTE communique released in London clearly states that Mahathaya has been found guilty. Further, Balasingham's statement that Mahathaya has been expelled suggested that he has already been condemned.

Thus far, the episode has only evoked muted criticism. A few expatriate Tamil organisations have written to Prabakaran appealing on the basis of natural justice. Tamil newspapers have called for a free trial. A handful of persons courageously protested by demonstrating in Mahathaya's birthplace, Velvettiturai.

With the exit of Mahathaya, there is no leader of stature or seniority comparable to Prabakaran. Mahathaya's removal has made Prabakaran the absolute monarch of the LTTE realm. This, however, has exposed Prabakaran to accusations of *mala fide* motives in acting against Mahathaya. One view is that Prabakaran became insecure with the increasing popularity of Mahathaya and deliberately cut him down to size by dissolving the PFLT. The *coup de grace* is now being delivered with a fabricated story of a RAW conspiracy, say proponents of this view. Whether this is true or not, it is clear that Prabakaran will have to live with this charge for the rest of his life. If this opinion gathers momentum, the long-term consequences for the LTTE can be drastic.

Since Prabakaran is seen as the symbol of the Sri Lankan Tamil armed struggle, many Tamils are likely to support him if it comes to a choice with Mahathaya. Also, the climate of fear in Jaffna along with the propaganda techniques of the Tigers could result in the initial acceptance of Mahathaya's guilt. If the LTTE leadership can instil the feeling into the collective Jaffna psyche that Mahathaya is indeed guilty and that his involvement in the conspiracy has been proven beyond doubt, then the Tigers would have no difficulty.

If, on the other hand, people become sceptical of these charges and begin to revise their opinion, then disillusionment would arise. If people begin to believe that the Mahathaya affair is only a manifestation of Prabakaran's power hunger and that the conspiracy charge was a frame-up, then opinion could transform into hostility against Prabakaran. If the LTTE leader is seen as an organisation with feet of clay, people may in the long term lose faith in the armed struggle and turn against the Tigers. Mahathaya's end in that sense may very well be the beginning of the end for the LTTE.

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'Strategy for Negotiation and a Political Solution'

An 'informal group' of Sri Lanka's top-rung officials, academics and retired bureaucrats have advised the government recently that 'a strategy which relies wholly or mainly on a military solution of the North-East conflict will not be successful in ending the conflict or restoring peace or stability.' They point out that they have reached this conclusion 'not for any lack of confidence in the Sri Lankan armed forces, but because of the inherent nature of the guerrilla armed struggle that is being waged.'

In a set of 'proposals for a political solution to the conflict in the north and east' of the island, the group points out: 'Struggles of this nature in other parts of the world have continued indefinitely in defiance of large well equipped armies. The international environment, modern communication and means of access to finance and arms have made these guerrilla movements much more difficult to suppress than those of a few decades ago,' says the group.

It points out that 'this has been incontrovertibly demonstrated in many of the guerrilla struggles in India and the IRA in Ireland. Most of these conflicts which have ended, have been resolved only through political means. In Mizoram, for instance, the guerrilla movement came into the democratic system and the leader became the Chief Minister of the elected Government. This was due to the statesmanship displayed by the Indian Prime Minister and the strategy of political negotiation and reconciliation adopted by the Indian Government. The British Government after stubbornly refusing to deal with the IRA, because it considered it a terrorist organisation has mellowed and has been conducting secret talks.'

Although the LTTE employs terrorist methods, the group points out that its driving force and strength come from the political issues and goals of their struggle in which the larger Tamil community is involved.

The group regards the LTTE's and specially its leader Prabhakaran's particular predicament in being indicted in the ongoing trial in India for the assassination of Rajiv Gandhi as something which could be usefully employed as a leverage to bring the Tigers to the negotiating table.

The group believes that one factor 'which could have a crucial impact and could be used to advantage by the Government in a strategy to reach a peaceful settlement – that is the assassination of Rajiv Gandhi and the charges brought against Prabhakaran.'

The groups says: 'Pressure by the Government of India for arrest and extradition of Prabhakaran may mount. If a peaceful settlement is reached and the LTTE is prepared to enter the democratic mainstream, would this alter the situation? What is the leverage available that can be tactfully used by the Sri Lanka Government to bring the LTTE into the mainstream and clinch a settlement?'

Here are highlights of some suggestions made by this informal group:

The main elements of a political solution

The group felt that there are only two major issues which need to be settled to arrive at the main political solution. These are (i) the nature and extent of powers that will be exercised under the system of devolution (ii) the territorial unit for the North and East. All other issues are subsidiary to these two issues and can be resolved within the framework of the agreement on these two.

'Therefore what is needed, first of all, is a system in which the devolution of power is genuine, substantial, unambiguously defined and not subject to *ad hoc* limitations by the central government. A system which offers devolution in this manner is the first prerequisite to a political solution of the present conflict.

'The consensus reached by the Select Committee of Parliament in regard to devolution can be built upon to offer such a solution. The Select Committee proposed that the devolution of power to the provinces should be on the same basis as for the State of India under the Indian Constitution. The group was of the view that the devolution of power similar to that provided under the Indian constitution would resolve almost all the problems pertaining to the extent of devolution, that have hitherto stood in the way of a settlement.

'Many of the thorny questions such as the administration of law and order in the province and control over state land could be dealt with, if it is agreed that the devolution of power on all these matters will be broadly in line with the powers enjoyed by the states in India.

'There are however two issues which should be taken into consideration in proposing this solution. First, under the Indian constitution, the President's power to dissolve a state assembly and impose central government rule has come under strong criticism. It seriously impairs the autonomy of the states and leaves room for arbitrary and partisan exercise of the central government's power.

This provision has not been acceptable to the Tamil parties in Sri Lanka. In the Sri Lankan context, given the balance of power between the majority community and the minorities, our group felt that the fears expressed by the Tamil parties were legitimate. Safeguards should be provided both to limit the power to dissolve provincial assemblies and impose central government rule as well as to provide means of redress to Provincial Councils against the unfair and arbitrary exercise of these powers. It should be possible to find the appropriate constitutional devices for this purpose.

'The exercise of these powers could be limited to extreme situations which could be clearly specified such as situations in which the provincial government is deliberately violating the constitution or the rule of law or has demonstrably lost the capacity to provide orderly governance. Central government rule should be strictly time bound and elections held within a short period. Special provisions should also be made to enable Provincial governments to petition Parliament or the Supreme Court/Constitutional Court against unfair and arbitrary exercise of power.

'Second, even the most detailed definition of powers will not be able to provide for all the disputes that are likely to arise regarding the sharing of powers under any system of devolution. These problems would have to be ironed out over a period of time. In this sense the system of devolution which is agreed upon, should not be regarded as final and inflexible.

'It should be approached as a process which will evolve over time and where disputes will be settled amicably by discussion and negotiation by the concerned parties. Mechanisms should be provided for this purpose. This could take the form of a Devolution Commission which oversees the implementation of the system for at least the initial phase of about five years.

The problem of the merger of the North and East

In regard to the vexed question of the merger the group was of the view that a durable solution can be found

only through a process of free and democratic consultation of the people in the Eastern Province through a referendum. There are however several pre-conditions for such a consultation. The Tamil parties have argued that if a decision is based on a simple majority, the result is a foregone conclusion as the Sinhala and Muslim communities, together, will outvote the Tamils. In arguing so, they also point out that the colonisation of the Eastern Province over a long period has reduced the Tamil population to a minority. Therefore a referendum which intends to take a decision based on a simple majority, compelling the Tamils to accept the 'demerger', is likely to perpetuate the communal tensions and conflicts that have afflicted this region.

"The group therefore suggests that the referendum should provide an option to the Tamil people. If at the referendum, the majority of the Tamil people clearly opt for the merger, there could be an appropriate re-demarcation of the Eastern province and the part of the province containing the Tamil population could be included in an enlarged territorial unit with the Northern Province.

'It has been argued that the distribution of the Tamil community in the Eastern Province is such that it would not be possible to re-demarcate a contiguous area with the entire Tamil population of the province. Although it is correct that any re-demarcation will always leave out small scattered communities, the preponderant majority can be accommodated within it. Voluntary resettlement could also be considered where necessary.

Summary of the solution that is proposed

A system of enhanced devolution similar in nature to the devolution of power granted to the states under the Indian Constitution with appropriate safeguards relating to the dissolution of Provincial Councils and the imposition of central government rule. Provision for a Devolution Commission to resolve problems during the implementation of the system in its formative phase for about 5 years. Institutional arrangements for co-ordination of national plans and policies with those of the Provinces.

The democratic consultation of the people of the Eastern Province through a referendum which offers the option of a separate Eastern Province, a merged North East or a redemarcated province which includes the Tamil areas in a contiguous territorial unit with the Northern Province.

The approach to the implementation of the solution

'How can such a solution be implemented in the prevailing situation in which the LTTE is engaged in guerrilla combat with the Sri Lankan army and is in virtual control of the Jaffna peninsula? A peaceful settlement depends critically on the LTTE. We feel that an effort should be made to initiate peace talks with the LTTE and bring them into the mainstream of democratic politics by discussing a possible political settlement on the lines that have been indicated. We are however not unmindful of the possibility that the LTTE may not return to the democratic mainstream.

'The proposed line of action will place the government in a better position to deal with such an eventuality. If the LTTE remains adamant and rejects a reasonable settlement this would still have positive consequences. It will alienate them from the majority of the Tamil people and create an environment in which a more effective strategy to restore peace could be implemented with the support of other Tamil parties and the Tamil people. Today in the absence of a clearly defined political settlement, any military action against the LTTE appears only to provide them with the means of rallying the support of the Jaffna people and coming forward as their protector.

'We suggest that the peace talks and the political settlement be initiated in the following sequence;

'The first initiative should be taken by a group of persons of sufficient eminence and high reputation who would be acceptable in a mediatory role to all communities. It is important that such a group should have a mandate from (the President) to explore the possibility of a political settlement within the limits of the political solution that has been discussed. This should be known by the LTTE so that they enter into serious talks with the group. The group would have to agree initially on the ground rules which would include the following:

★ The territorial integrity of Sri Lanka will be maintained and protected.

★ Sri Lanka remains a single sovereign state.

★ Multi-party democracy will be the political system for the entire country and accordingly will be restored in the North and East.

★ The rule of law and protection of fundamental rights will apply equally in all parts of the country.

★ Equality of citizenship and opportunity for Sri Lankans will prevail in all parts of the country.

'The processes and institutions of participatory democracy will be maintained and enhanced by strengthening the local level institutions such as the Pradeshiya Sabhas and local authorities.

'In dealing with issues and disputes regarding the devolution of power, the principle of subsidiarity will be applied. This means that the higher level will retain the powers to deal with those matters that cannot be dealt with and managed at the lower level. The lower level will be empowered to deal with all matters it can manage at that level.

'The specifics of the political solution to the conflict in the North and the East should be worked out within these ground rules.

'If this mediatory group should succeed in reaching agreement on the main elements of the solution, the next step for formal talks and agreement between the government and the LTTE could be decided upon. The group should conduct talks independently with the other Tamil parties/groups in order to ensure that the final outcome will enable these groups or other new groups to participate democratically in the political process in the North and East when peace is restored.

'The implementation of the solution would require an interim administration which would restore the conditions of peace and security needed for the holding of the referendum and the elections to the Provincial Council/Councils. Such an interim administration would initially require a political authority for the North and East which would oversee the restoration of peace and civilian administration. This may require at most one to two years if there is full agreement on the solution. Such a political authority may be constituted with representatives of the LTTE and other political parties with the Governor overseeing the process.'

Disarmament of the LTTE would prove to be one of the more contentious issues. There are several options available, one being phased disarmament; the LTTE could lay down arms in stages as the settlement is implemented and armed cadres confined to given locations while normal civilian administration is restored, with the final stage of disarming coinciding with the election of the provincial council/councils.

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THE U.S. STATE DEPARTMENT REPORT

Human Rights Violations in Sri Lanka

The US State Department recently issued its 1992 Country Report on the Human Rights situation in Sri Lanka. The Report blames both the State and the LTTE for continuing human rights violations. Reproduced here are excerpts from the report:

Sri Lanka's constitutional, multiparty form of government features a strong executive presidency and a unicameral legislature elected by universal adult suffrage. In May President Dingiri Banda Wijetunga was chosen by Parliament to succeed assassinated President Ranasinghe Premadasa. The President's United National Party (UNP) holds a majority of the seats in Parliament. The violent ethnic conflict waged for over 10 years between the Government and the Liberation Tigers of Tamil Eelam (LTTE), an organization fighting for a separate state for the country's Tamil minority, continued in 1993. An LTTE suicide bomber assassinated President Premadasa and 23 others at a public rally on May 1.

The 50,000-member police force, which includes 3,000 commandos of the Police Special Task Force (STF), is responsible for internal security in most areas of the country. Army manpower has increased steadily over the past 2 years. The 80,000-man army has the primary responsibility for conducting the war against the LTTE. The 8,000 to 10,000 paramilitary home guards provide security against LTTE attacks for Muslim and Sinhalese communities living in or near the war zone. The Government arms and equips up to 1000 members of various anti-LTTE Tamil militias. These forces man checkpoints, provide intelligence, act as scouts, and sometimes engage in military operations alongside the army. All security elements fighting in the war committed human rights violations in 1993.

Although the Government took further steps to institutionalize the protection of human rights in 1993, the pace slowed in the second half of the year, and its forces continued to commit serious abuses which went unpunished. More than 80 persons disappeared or died after being taken into custody by security forces, and government forces killed at least 250 civilians during military actions.

The Prevention of Terrorism Act (PTA) and the Emergency Regulations (ER), which give security forces wide powers such as preventive and incommunicado detention, remained in effect. The ER were revised to afford some safeguards for detainees and to ease some, but by no means all, of the restrictions on freedoms of speech, press, assembly, and association. Many Sri Lankans were detained without trial in 1993, though the number continued to decline. Torture and mistreatment of detainees were routinely practiced by both government forces and the LTTE. Despite credible evidence implicating security force members in human rights abuses, no member of the security force was tried or convicted for human rights violations in 1993, thus encouraging these forces to believe they are immune from prosecution.

Political and Other Extrajudicial Killing

The Government's security forces, the LTTE and other militant groups continued to engage in political killings. The total number of such killings declined significantly, and most noncombatant deaths were the result of indiscriminate use of force rather than deliberate targetting of specific individuals. Nevertheless, all sides to the conflict were responsible for scattered cases of extrajudicial execution.

For the first time in 3 years, there were no reports of Sinhalese or Muslim civilians being massacred by the LTTE, nor were there any reprisal massacres directed against Tamil civilians by the security forces. For the second year, there were no reports of the vigilante-style killings that plagued the country prior to 1992.

There were two high level political assassinations believed to have been carried out by the LTTE. On May 1, an LTTE suicide bomber assassinated President Premadasa. A few weeks earlier opposition leader Lalith Athulathmudali was assassinated.

The Government presented evidence suggesting that the LTTE was responsible.

The LTTE is thought to have executed a number of its opponents, as well as Tamil civilians accused of helping the security forces. In January the LTTE publicly executed two alleged traitors and in February executed three civilians in Mullaitivu District for allegedly passing information to the security forces. In December the LTTE announced that it had executed nine more 'traitors' in Jaffna.

Disappearance

At least 12,000 people have disappeared in Sri Lanka since 1983, most in the period 1987-91. Reports of new disappearances continued to decline in 1993, from 200 in 1992 to roughly 70 in the first 9 months of 1993. The vast majority of these disappearances took place in the war zones of the north and east and most were attributable to government forces.

The Peoples Liberation Organization of Tamil Eelam (PLOTE), an anti-LTTE Tamil militia allied with the Government, is believed to be responsible for the disappearance of several persons in the northern district of Vavuniya. They were detained following an LTTE attack on a security checkpoint manned by the PLOTE and subsequently disappeared.

Observers in the northeast reported that the LTTE was responsible for a number of disappearances, but it was impossible to determine how many. In addition, hundreds of policemen captured by the LTTE in 1990 remain unaccounted for, and the LTTE has refused all request for information concerning their fate.

The Government's decision in 1989 to give the International Committee of the Red Cross (ICRC) unhindered access to detention centers, police stations, and army camps has played an important role in reducing the number of disappearances attributable to the security forces, as has the work of the Human Rights Task Force (HRTF), a quasi-independent government body set up to register detainees held under the ER and the PTA and monitor their welfare. However, HRTF field offices outside of Colombo are hindered by a dearth of resources and their lack of assertiveness in dealing with security forces, which sometimes fail to comply fully with the Government's instructions. Recent changes in the ER-mandating the issuance of receipts to families of detainees and notification to the HRTF of all arrests – have been largely observed in the breach. Full implementation of this reform would further reduce the number of disappearances.

In the case of 32 high school-aged

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boys who disappeared from the southern town of Embilipitiya in 1989, the HRTF identified 10 soldiers implicated in the disappearances, but the Government has taken no action. In its 1993 report, the HRTF named 4 army officers allegedly responsible for the disappearance of 158 people from a refugee camp at the Eastern University in Batticaloa district in 1990.

The Presidential Commission appointed to look into allegations of abductions and disappearances occurring after January 1991 has proven inadequate to the task. It has completed work on only 38 cases of the 873 that fall within its mandate. Of these, the President has referred two to the Attorney General for prosecution. None has come to trial. In mid-1993, the mandate of the Commission was changed in an attempt to speed the process by which disappearances are investigated. Under the new mandate, the Commission will determine only whether a complaint of abduction or disappearance is credible.

Freedom of Speech and Press

The Government controls the country's largest newspaper chain, although a variety of independent newspapers and journals provide a range of viewpoints on foreign affairs and domestic issues, including human rights, and openly criticize the ruling party and Government. Physical attacks on opposition journalists and politicians ceased with President Premadasa's death in May. Similarly, a previously secret organization headed by high-ranking former police officers and charged with harassment and intimidation of Premadasa's political opponents, including journalists, was disbanded by President Wijetunga, and revelations about the unit's past operations were widely reported in the press. In the one major exception to this trend, a respected newspaper columnist received a death threat – reportedly from the now-retired commander of the army – following a critical story he wrote about a major army offensive.

Although the Government denies it, many journalists allege that the Government continues to exert pressure on the press by controlling permits for the import of newsprint and through placement of paid government announcements and advertising. In addition, the Parliamentary Powers and Privileges Act allows parliament to impose an unlimited fine or up to 2 years' imprisonment on anyone who criticizes a member of Parliament. Although it is rarely invoked and was not used in 1993, journalists and civil libertarians complained that the Act, along with the new guidelines that effectively prevent the reporting of incidents in Parliament that are not part of the official record of proceedings, were an unjustified infringement on freedom of the press.

Several new, privately owned television and radio networks have begun operating, but the Government maintains a monopoly on the broadcast of local news. Local networks that broadcast foreign-produced international news such as the Cable News Network and the British Broadcasting Corporation are obliged to delete any portions concerning Sri Lanka.

The LTTE holds numerous prisoners of conscience, including the poet and women's activist Thiagarajah Selvanithy, who has been imprisoned since August 1991 for her participation in a play critical of the LTTE.

The group University Teachers for Human Rights (UTHR), a human rights group formerly based in the LTTE-controlled Jaffna Peninsula, has been the target of severe repression by the LTTE for its attempts to present a balanced picture of human rights violations in both LTTE and government-controlled areas of Sri Lanka.

POLITICAL SOLUTION TO THE ETHNIC CONFLICT

Democratisation, Devolution and Demilitarisation

by Ketheeswaran Loganathan

(Extracts from Paper submitted by Ketheeswaran Loganathan at the Seminar 'On Democratic Rights and Civil Liberties in Sri Lanka' by The Committee for Democracy and Justice in Sri Lanka (CDJ), London, on Nov. 20-21, 1993).

(Continued from last issue).

The loss of a 'rear base' (i.e. the land and coastal sea belt off Tamil Nadu), following the brutal assassination of Rajiv Gandhi, has undoubtedly imposed a severe strain on the smooth functioning of LTTE's own war machinery.

As in the case of the Sri Lankan war machinery externalising its impotence by turning against civilian targets, not to mention the arbitrary arrests in Colombo, the impotence of LTTE's own war machinery, barring a few sensational operations, is reflected in the intensification of LTTE's innate fascistic tendencies, mercenarization and mafiaism. Abductions, extortion, conscriptions, arrests and killings of dissidents have increased. Reports also indicate serious ruptures within the organisation.

What needs to be emphasised here is that 'realpolitic' tends to be defined by self-appointed 'peacemakers' purely in militaristic terms and power equations – where power is determined by the capacity to terrorise and destabilise. This tendency has only served to exacerbate the on-going conflict, while detracting from the more substantive and contentious issues that characterise the Ethnic or the National Question in Sri Lanka. In this context, the following extract from Report No. 9 of the University Teachers for Human Rights hits the nail squarely on the head:

'Legitimising unhealthy forces just because they have the destructive power, and do not have any inhibition in directing it against any one, is against the interest of humanity at large. . . .Is it imagined that for the Tamils their identity, liberation, happiness, and fullness of life can be realised in an extremely violent, xenophobic, fear-stricken and undemocratic regime provided that the dictatorship to which they must submit is exclusively Tamil? When such individuals and peace organisations claim that they can deliver the goods, they show very clearly their naivete, and the contempt they have for the people here. If they can consistently and courageously expose the unhealthy tendencies among the protagonists, namely the State, the LTTE, other armed groups and extreme forces in the south, as well as spend some time to understand the real issues and complexities, then they can do much more to achieve peace in this land'.

5. What is to be done?

It is clear from the earlier sections that there is nothing intrinsically superior or inferior when it comes to either externally-engineered or internalised processes of conflict resolution. What needs to be posed first is the question as to whether the nation-building process in Sri Lanka will continue to be characterised by the pre-eminence of Sinhala-Buddhist exclusivism. Or whether conditions can be created where the nation-building process will traverse the path of Secularism, Pluralism and Egalitarianism.

Unfortunately, when there did emerge a collective identity of sorts in the post-colonial era, it was exclusivist in form and content – namely a Sinhala-Buddhist identity that sought to exclude from the processes of nation-building other forms of identities. What needs to be emphasised here is that the search for a collective identity, which was at the same time parochial and non-secular, was perversely given legitimacy through political, administrative and constitutional changes. This tendency was explicitly manifest in the spheres of citizenship rights, language rights, religion, state-aided settlement schemes, education and employment.

In due course, non-violent forms of struggle for constitutional and political reforms by Tamil parliamentary parties gave way to extra-parliamentary and violent forms of struggle for secession. The demand for 'Eelam' came to symbolise the collective identity of Tamil nationalism in Sri Lanka vis-a-vis Sinhala-Buddhist exclusivism. It needed the Indo-Sri Lanka Accord and the 13th Amendment to the 1978 Constitution, which amongst other things addressed the question of security and 'devolution' of powers to the Tamil-speaking People, to convince the Tamil polity to reconsider their demand for secession. However, as I had elaborated in Section 3 of this Paper, problems of a structural nature as well as outright subversion by the State has once again brought the National Question to the forefront – notwithstanding the APCs and the PSCs.

Hence, today we find ourselves in a situation where the processes of nation-building in Sri Lanka is not only far from complete, but the parochial and sectarian manner in which it is being pursued has in turn only served to intensify the Tamil Question – rather than resolve it. In my opinion this then constitutes the essence of the crisis in Sri Lanka.

It is, therefore, abundantly clear that without the restoration of (a) democracy, (b) substantial devolution and (c) demilitarisation, it is meaningless to be discussing about a political solution to the ethnic conflict in Sri Lanka. Let me briefly touch on each of the above elements:

(a) Democracy

The level of democracy that exists in a given society is determined by the political system and structures that govern it, as well as the level of socio-economic development. The demand for restoration of democracy, if it is to be potent enough to shape events, obviously, cannot be linked solely to socio-economic development which is a long-drawn and an uneven process. Hence, any mass struggle for restoration of democracy has to necessarily focus on evolving a political system that is secular, pluralist, egalitarian – and most importantly accountable to the People. And such an evolution necessarily implies constitutional reforms. Hence, the need of the day, if not the hour, is a movement for constitutional reforms that must also immediately and simultaneously address the legitimate grievances of the Tamil-speaking People.

(b) Devolution

A federal state structure or a federal polity, compared to a unitary constitution is undoubtedly a more superior, rational and an equitable formula for resolving the Tamil Question. However, our primary concern is the content rather than form. Hence, we should be prepared to consider any proposal that confers/grants Regional Autonomy to the Tamil-speaking people and the Region, to be called the North-eastern Autonomous state, which constitutes the historical habitat and traditional domicile of the Tamil-speaking people of Sri Lanka. Further, since the majority of the Muslims of Sri Lanka, who linguistically are Tamil-speaking, live outside the North-Eastern Province, the rights of the Muslims in the Autonomous State should be guaranteed by ensuring that real powers are enjoyed by local authorities (or an amalgam) in areas with substantial Muslim majority within the Autonomous State. In the meantime, all steps must be taken to ensure that the devolution package manifest in the 13th Amendment to the Constitution, despite its deficiencies, is not subverted, undermined or eroded either through administrative fiat or other means.

On the question of devolution, it is imperative that the unit of devolution constitute a unified politico-administrative entity for the merged North-Eastern Province. It must not be forgotten that the Indo-Sri Lanka Accord, (on the basis of which the Tamil politico-military organisations laid down arms, joined the political mainstream and set-aside the demand for secession), in addition to recognising the unity and integrity of Sri Lanka also clearly posited the reality that Sri Lanka is a multi-ethnic, multi-lingual society within which the Northern and Eastern Provinces constituted the historical habitat of the Tamil-speaking people.

It must further be borne in mind that the opposition to the de-merger of the presently merged North-Eastern Province does not stem purely from an abstract obsession with the 'traditional homeland' theory. There are politico-administrative, socio-economic and security compulsions as well. If the Tamil-speaking people and the Tamil polity that represent them are to settle for a political solution within a united Sri Lanka, then they must be assured of a political system that guarantees to them their identity, security and socio-economic progress. This also necessitates rational utilisation of the resource base, decentralised administration and, most importantly, real devolution of powers that are irreversible. The on-going attempt at fragmentation militates against the above – and by implication militates against the resolution of the National Question within a united Sri Lanka.

(c) Demilitarisation

As I had indicated in an earlier section, a decisive military victory by the LTTE is out of the question – and by the State highly improbable. In any event, leaving aside aims and tendencies, any attempt at a military solution to the Tamil Question is, neither, desirable nor feasible.

However, I wish to stress here that while issues relating to ceasefire, buffer zones etc are matters that concern only the two warring parties (i.e. the LTTE and the Sri Lankan Government), the search for a political solution and its implementation ceases to be the sole concern of both. Further, it is im-

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THE SUB-CONTINENTAL SCENE

Bhutan: Human Rights and Ethnic Confrontation

The following article is a shortened version of an issue entirely dedicated to the human rights situation and the ethnic confrontation in Bhutan since its origin. It has been prepared by the South Asia Human Rights Documentation Centre (SAHRDC), India.

The historical background

The early history of Bhutan is obscure. According to ancient Sanskrit texts, Bhutan is described as the country at the end of Tibet or Bhotanta (Bhot–Tibet and antaend). It was not a union under one king but was ruled by different ethnic chiefs in their ethnic areas. The striking similarities in the frescoes, rituals and musical instruments of Bhutan with those of the ancient Hindus (the present King claims similarity between Lord Shiva and Chherayji) are cited as evidence of Bhutan's origin as a Hindu kingdom. The god worshipped by the Hindus and the Bhutias is known similarly to the different adherents: Bhutapati or Bhutesa (Mahadeva/Shiva). Although there is no conclusive evidence about the original inhabitants of Bhutan, which was not a civilisational entity then, it is known that they were not the eastern Bhutanese of today, the Sarchops, though they are the earliest residents. Although the advent of Buddhism preceded the first Tibetan incursion, Buddhism was consolidated following increased Tibetan influence after the Tibetans defeated the then rulers of Bhutan (who hailed from around Kamarupa in Assam).

Amicable relations between Bhutan and Nepal were established when the ruler of Bhutan, Shabdrung Ngawang Namgyal, visited Nepal in 1624, which was then ruled by the famous Gorkha King, Ram Shah.

The historical records of Bhutan and Nepal reveal that large numbers of people from Nepal were frequently taken to Bhutan to develop the country, and that they were granted permanent settlement with the status of Bhutanese subjects. Until the beginning of the last century, very few travellers had entered the country. The history of Bhutan is inextricably intertwined with religion.

Although nothing is known of the religion of Bhutan before the advent of Buddhism, it is thought to have been animistic. These elements were retained even after the introduction of Buddhism by Guru Padmasambhava, a monk from Swat (now in Pakistan) who is credited locally with introducing the Mahayana school of Buddhism to Bhutan.

Over the centuries a distinctive faith developed and this process was speeded up when some members of the older monastic schools took refuge in Bhutan from political strife in Tibet. The most important of these and the founding father of modern Bhutan, both ecclesiastical and civil, was Ngawang Namgyal, who entered the country at the age of 23 in 1616.

After many struggles and much opposition he became the undisputed head of the land. He set up its code of law based on Buddhist principles and thus created an independent theocracy.

This theocracy continued after his death with ten incarnations of his spiritual successors and lasted nearly 300 years, until the founding of the modern hereditary kingdom early this century. Between the time of Guru Padmasambhava and the arrival of the refugee lamas, Bhutan was subject to constant invasions by Tibet. With the refugees, powerful monastic overlords were established in various parts of the country.

The next 200 years saw varied interaction between Bhutan and the British, mainly through the exchange of official missions. In 1774, George Bogle of the Bengal Civil Service led the first official British mission to Bhutan, on behalf of Warren Hastings, Governor General of India, who wished to establish a trade route to Tibet for the East India Company. An expanding East India Company in the first half of the 19th century, succeeded by an increasingly powerful imperial government in the second, came into frontier conflict with a Bhutan troubled by continuous civil war and with rivalries between spiritual and secular rulers and powerful barons.

The arrival of several British missions, not very welcome in the circumstances, with overbearing and unsympathetic leaders, culminated in the hardfought battles of 1864-65. The poorly armed Bhutanese put up a stiff fight with spears, bows and arrows. Thereafter, British official visitors in the late 19th century and the first half of the 20th century formed close relationships with the newly emerging monarchy and tried to persuade their hesitant superiors in India to increase British assistance.

After Indian independence, the new Government of India greatly increased the volume of aid and technical assistance to Bhutan. It is still the country's major donor. Other major donor countries include Switzerland, Denmark, UK, the Netherlands, Germany and Australia.

The human rights situation

Bhutan has resident diplomatic representation only in India, Bangladesh and Kuwait. It maintains representation at the United Nations in New York and Geneva. Its treaty of friendship with India, signed in 1949, states that Bhutan will be guided by India in matters pertaining to defence and external affairs. In March 1990, the Governments of India and Bhutan signed a new trade and transit treaty, which was more favourable to Bhutan than previously. Bhutan continues to restrict access to the Kingdom in the hope of minimizing the spread of foreign influences. The number of tourists is strictly limited to 3,000 a year.

The human rights imbroglio in Bhutan is basically a result of inter-ethnic strife between the ruling Drukpas and the immigrant Nepalese. It came to a head in 1989, when the Royal Government's concern about the dangers of ethnic strife led it to take steps to suppress a movement of ethnic Nepali Bhutanese, who were calling for an end to discrimination against them and exemption from the policy of *driglam namzha* (revival of Bhutanese traditional culture).

In 1990 and early 1991, the situation deteriorated. The Royal policy is aimed at ethnic integration and 'Bhutanisation' of the southern districts. It is, however, perceived as a policy of forced assimilation with a negative impact on the Nepali community. Groups of ethnic Nepalese who fled to Nepal and India and formed protest movements there have accused the King of 'cultural oppression' and his government of human rights violations including the torture of prisoners. Their demands include the recognition of Nepali as an associate national language, permission to form political parties and respect for the separate identity of the Nepali-speaking subjects of Bhutan. In September 1990, these groups organised marches of

several thousand people from Indian into Bhutan, where they clashed with the Royal Bhutan Army (RBA).

In their efforts to crush the pro-democratic movement in southern Bhutan, government forces have acted without regard for international human rights law. Soldiers of the RBA and members of the Royal Bhutan Police (RBP) have used lethal force against peaceful demonstrators, shootng scores of unarmed civilians. They have also conducted house-to-house searches without warrants, seizing men and beating them, threatening and often raping female family members, and burning down entire villages. Police involved in such raids have been guilty of extortion, pillaging and wanton destruction. Investigators of the South Asia Human Rights Documentation Centre (SAHRDC), based in Delhi, have information on some 250 instances of human rights violations such as rape, arson, assault, torture and killing, occurring between November 1990 and August 1992. In several cases they obtained independent testimony from witnesses whose accounts corroborated each other.

The government also has prevented *Kuensel*, the only national weekly newspaper (which it owns), from reporting on conditions in southern Bhutan. It also denies unrestricted access and entry to the foreign media and has regulated the sale of newspapers from India and Nepal. Similarly, human rights organisations are not permitted to operate in its territory.

The dissidents, in turn, it is alleged by the Royal Bhutanese Government, have flagrantly violated international humanitarian law by killing, kidnapping and asaulting civilians from the south. The SAHRDC has requested the Royal Government for direct testimony about such incidents that have occurred since 1988. It has also sought the Government's permission to independently verify all such cases.

The Ethnic Confrontation

The genesis of the current problem in Bhutan lies in a 1988, Royal Government directive to have a census conducted in the southern districts, ostensibly to weed out illegal immigrants. The census teams asked all Nepali-speaking inhabitants to provide evidence of their arrival in Bhutan before 1958 or else be declared non–nationals. Cross–border immigration from Nepal and eastern India into Bhutan has been occuring relatively unchecked since the middle of the 16th century (this is attested to by British expeditions into the area during the colonial period).

However, by the late 1970s and early 1980s, it became apparent to officials that the immigrant Nepalese had begun to outnumber the *Ngalungs* and indigenous peoples. An attempt was made to impose restrictions on such population movement. By the mid-1980s the government had taken a hard, possibly vindictive, stand on the issue and repression of the immigrants began in earnest.

The introduction of *driglam namzha*, which literally means the Bhutanese way of life, is a case in point. While the Royal Government claims that it is simply an effort to culturally integrate the Bhutanese, the immigrant Nepalese in the southern districts regard the overture at uniformity as a form of cultural imperialism. They started street demonstrations and other forms of peaceful public protest to indicate their disapproval of the Royal directive. The government, on the other hand, asserts that the dissident movement is in fact violent, even secessionist in nature and aimed at the general destabilisation of the country. Hence it terms the members of the movement 'anti-nationals' and 'terrorists'. This is just one example of the disagreement over facts between the two sides in the conflict, where both trade allegations and counter–allegations.

At the time of his coronation in 1974, King Jigme Singye Wangchuk, promised to continue the far–sighted policies initiated by his father, King Jigme Dorji Wangchuck, to move Bhutan closer to his view of a constitutional monarchy. The dissidents claim that the King has now reneged on his word and allege that the King has admitted to having made a mistake in embarking on a process of forced cultural assimilation among the Nepali-speaking Bhutanese subjects. They were forced to follow a Bhutia code of social etiquette, dress and customs. The King is reported to have said, 'We have tried to bring the southern Bhutanese into the mainstream – economically, socially, culturally, politically – because Bhutan is too small a country to be divided. But I am sorry to say that some of the things we did to implement this have been unfortunate.'

Until then, the Hindus of Bhutan were alllowed some degree of freedom to practice their religion, preserve their culture and construct places of worship. The dissidents say that all this has changed: new temples may not be constructed and old ones may not be maintained. By a resolution of the National Assembly, His Majesty the King ordered the establishment of a monk body consisting of five monks with one head lama for the Nepali villages of southern Bhutan. This is seen as an attempt to convert the Nepalese of the south to Buddhism. Television has been banned as part of the process of Bhutanisation and the dissidents say this move is aimed at removing the Hindu influence from Bhutan. The government has denied this, citing the fact that among other things, Hindi films are still shown in video parlours and cinema halls. The wearing of *Gho* and *Kira*, the ethnic costume of the ruling Drukpas, has been made compulsory at all times, and failure to comply can lead to stiff penalties and even imprisonment.

Another government order has made the national language *Dzhongka* compulsory for all Nepali-speaking Bhutanese. Teaching Nepali in schools has been banned and teachers using Nepali as the medium of instruction have been dismissed. Speaking the language in public invites a monetary disincentive. Nepali textbooks and reading materials are forcibly destroyed.

Simultaneously, an order was issued declaring Bhutanese nationals married to foreigners non–citizens and forbidding them to stand for election to the National Assembly. Also, women have been forced to cut their hair (officials say that only young schoolgirls have been told to do so).

The dissidents allege that the constant raiding of villages in southern Bhutan by the Royal Bhutan Army (RBA) has left the entire region in a situation of political turmoil. They claim that thousands of villagers had earlier been jailed for participating in peaceful demonstrations during the pro–democracy movement between September and December 1990.

The Royal Bhutanese Government shut down 76 schools in the southern belt and many of them were used as army barracks and jails. Over 70,000 refugees are presently in camps in the Jhapa district of eastern Nepal. Many men, women and children from the villages adjacent to the border have escaped and are camping in India. No Indian Government organisation has helped them so far. Instead the Assam and West Bengal police are arresting refugees and handing them over to the Royal Bhutan Police (RBP). Mr Dago Tshering, the Bhutanese home minister, is quoted as saying, 'It must be made very clear that such people's (refugees) family members will be held fully responsible and will forfeit their citizenship.'

Meanwhile, the RBA has made frequent incursions into Indian territory to kill or capture innocent Bhutanese

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refugees. On 12 December 1990, two refugee Bhutanese citizens were shot dead, another was shot in the right arm and a fourth was arrested by the RBA in Faras Basti, Sankosh subdivision, Alipore, district Jalpaiguri, in the Indian state of West Bengal. On 10 December 1990, the Jalpaiguri authorities lodged a protest with the Royal Government about the alleged unprovoked firing on 9 December 1990 on the people of Kalikhola, near the Indo–Bhutan border.

The Royal Government, on its part, has categorically denied the reports of mass killings of political demonstrators and alleged that the Bhutan People's Party (BPP) and the Bhutan National Democratic Party (BNDP), both dissident organisations in its view, have maligned the good name of the Kingdom by distorting facts and making false allegations.

When interviewed by the US weekly, *Newsweek*, the King claimed that while touring the south of the country he had told the people that wearing the national dress was not necessary, as long as they wore something which gave them a distinctive Bhutanese identity, different from what their brethren wear in Nepal. The King insists he is not opposed to democracy though he dodges the question of whether it is the right course for Bhutan at this juncture.

In a note circulated to the New Delhi World Congress on Human Rights on 14 December 1990, Mr. Sonam T. Ragbye, First Secretary, Royal Bhutanese Embassy, New Delhi, said: 'The cause of the present problem in Bhutan stems from the influx of illegal immigrants into southern Bhutan. The present movement in southern Bhutan started in 1988 after the Royal Government of Bhutan conducted a nationwide census during which a large number of illegal immigrants of Nepali origin were detected in southern Bhutan. The hue and cry raised by the anti-national movement over the policy of national integration is only a pretext to mask their opposition to a policy of identifying illegal immigrants. The main objective of the anti–nationals is to carve out an autonomous Nepali state in Bhutan. The violent movements launched by the Bodos and ULFA (United Liberation Front of Assam) in Assam and the Sikhs and Kashmiris in Punjab and Kashmir have inspired them, particularly in the use of violence to achieve their political ends.'

The government has its own horror tales to tell. The rebels' campaign has allegedly claimed many victims, whose bodies ere maimed and grotesquely mutilated. Starting with the two administrative officials in Gomtu, whose heads were chopped off on 2 June 1991, the confirmed number of decapitations by the Bhutan Peoples Party (BPP) alone now stands at six. It is claimed that photographs of mutilated and burned victims, both dead and alive, fill the police files. About 152 people have allegedly been kidnapped. Industries, schools and even some offices have closed down, and development work has stopped in southern Bhutan, as all resources such as reserves and manpower are being channelised to counter the agitation. The result of the violence has been an unprecedented polarisation of communities.

Bhutan does not have a constitution and its civil and criminal law is presently in the process of codification. The only set of laws which were loosely followed are the religion based ones laid down by Shabdrung Ngawang Namgyal in 1616. The southern Bhutanese oppose these laws as they claim that these have been chosen to suit the Bhutia purpose of de–Hinduisation of the southern districts.

However, in spite of the existence of such laws, the King is omnipotent and his word is generally accepted. Among the many grievances of the southerners is the non–existence of legal counsel, unequal representation in the National Assembly, absence of freedom of speech, (which was refused to the people of southern Bhutan by the National Assembly on the plea that although the granting of the freedom of speech to the people was good in principle, it would be premature in view of the general backwardness of the southerners and their lack of political consciousness), and the enactment of the law permitting the death sentence, which they fear will be used indiscriminately against them.

Bhutan does not have a free press. *Kuensel*, the national newspaper, is widely perceived to be a tool of the Royal Government. Southern Bhutanese activists have alleged that 'prior to publication, all articles are subject to intense scrutiny by the Home Ministry and the King himself. There is no freedom for an independent pen or for editorials.'

Bhutanese subjects are forced to tender free labour for months on end. There are several concepts such as *Sebtolomey, Gungdawoo–la*, the National Work Force, etc. Under *Sebtolomey* people have to give free service to the government for one month every year. Under the 'National Work Force' scheme people are forcibly taken to serve the government at the sustenance level for several years. Their children, in turn, become labourers under the system of bonded labour and as such do not get an opportunity to benefit from education.

People have no right to privacy in Bhutan (there are no written guarantees to that effect). Any kind of incident, howsoever minor, has to be disclosed to the authorities. Any foreign correspondence to anyone in Bhutan is subject to check by the government.

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perative that hegemonistic pursuits and tactical ploys to gain time and space are not permitted. More importantly, the search for a political solution should not be confined purely to those who wield arms or demonstrate the capacity for destruction.

To sum up, then, the mere cessation of hostilities should not be confused with a political solution.

6. Conclusion

Since we are gathered here to deliberate on the ways and means of breaking the ethnic impasse and to break-out of the spiralling violence that has shaken the Sri Lankan polity and civil society, I do not believe that a theoretical or an academic approach to the Ethnic Question would have been appropriate.

However, the on-going ethnic conflict is only a manifestation of a problem with much wider ramifications – namely the exclusion of the national minorities in the task of nation-building. If Eelam later became the symbol of collective identity and resistance against the onslaught of Sinhala chauvinism, it is because the existence of a National Question in Sri Lanka was never recognised. Hence, the resolution of the ethnic conflict, which undoubtedly will go a long way in countering the spiralling violence, is no guarantee that the problem will not recur. Similarly, Democracy, Devolution and Demilitarisation can only constitute the basis for the resolution of the Ethnic Conflict – not the National Question. The resolution of the National Question, on the other hand, involves a fundamental social transformation in Sri Lanka which, in my opinion is outside the realm of the possible, in the immediate future, and, therefore, outside the scope of this Paper.

Similarly, people in Bhutan do not have the right to education; students are not permitted to join law schools or study politics. People are detained arbitrarily and relatives of the detenus are not allowed to meet them. There is no right to assemble peacefully in Bhutan; those guilty of such association are termed 'anti-nationals' (*ngolops*) and jailed for prolonged periods of time. There is also no right to life and liberty in Bhutan since people throughout its territory are subject to the arbitrary command of the King.

Similarly there is no right to equality as there is no codified law to protect the people. Lastly, there is not freedom of movement within Bhutan; only government officials are allowed to go abroad and there is no system of issuing passports to the ordinary people who want to travel abroad. The practice of issuing passports to ordinary citizens is discouraged, possibly because the government is apprehensive that the knowledge they gain may enlighten them as to the injustice of their system of government.

● No Progress in Indo-Pak Talks

by T.N. Gopalan

Yet another round of talks, actually seventh in the current series, between India and Pakistan has come and gone. Nothing seems to have been achieved, and none but the journalists have taken notice of the parleys between the Indian Foreign Secretary, J.N. Dixit and his Pakistani counterpart Shahryar M. Khan on Jan. 1–3.

But the very fact that the two adversaries did meet and apparently identified the areas of friction, (as if it needs seven rounds of high–level talks to know why they did not vibe), has sent some observers up the wall. Like this gentleman who could not help harking back to Neil Armstrong's famous quote on his small step being a giant leap for mankind:

Addressing a press conference at New Delhi on his return. Mr.Dixit admitted that 'no progress' had been made but promised to pursue the negotiations further by submitting a six–point proposal for bringing down the tension between the two countries by a notch or two. The very next day Pakistan dismissed the formula as of no consequence.

Mr. Dixit's proposals are to relate to Siachen, Wular barrage, maritime boundary in the Sir Creek region, nuclear non–proliferation and so on.

The Pakistani spokesman noted that all 'these problems, besides the Kashmir question, have been created and perpetuated by India.' 'It was India,' he explained, 'which unilaterally encroached into Siachen, occupying several heights in the disputed territory of Jammu and Kashmir. . .It is India which began the construction of the Wular dam in contravention of the Indus Waters Treaty of 1960. It was India which repudiated the accepted maps for land border demarcation in Sir Creek. . .It was India which exploded the bomb in Polchran in 1974. . .'

The Pakistan Prime Minister Ms. Benazir Bhutto is reported to have told Mr. Dixit that she would not like another generation of people in the sub–continent to be held hostage to the Kashmir issue, purportedly setting the pace for the secretary–level talks which followed.

How faked such sentiments are and how unreliable our politicians are could be seen from the statement of Mr. Shahryar Khan, the Pakistani External Affairs Secretary, immediately after he saw off Mr. Dixit at the Islambad airport.

He declared that the situation on the ground in Jammu and Kashmir would be the determinant of Pakistan's attitude to the question of resuming the talks and that the next round would not be scheduled until Pakistan could see a visible improvement in that situation. So much for the 'giant leap' and the 'momentous' meet.

But take heart. Uncle Sam is around. The Clinton administration finds the dialogue a useful first step with significant potential and is ready to 'help facilitate a forward movement'.

It should be noted that it was India which had sounded its neighbour for this round of talks, done so in the wake of the Hazratbal affair. Again it did so only because it clearly understood the norms governing the present unipolar world. To put it more bluntly, unnerved by the knitting of brows in Washington, New Delhi thought it prudent to instantly ring up Islamabad for whatever it was worth.

Nobody needs to be surprised at the failure or stalemate. The talks were destined to fail even before they started. For clearly the necessary political will is lacking on both sides of the border for a peaceful and speedy solution to the numerous problems before them.

The powers–that–be, politicians of most hues in both the countries, have a vested interest in perpetuating the tension. Even otherwise the core issue of Kashmir will remain intractable for a long, long time to come thanks to the historical and religious factors at work.

While Pakistan would like the Kashmir issue to be resolved first, India is calling for 'progress on a broad front of bilateral relations.'

There are those who would draw a parallel with the Middle East situation wherein the contending partners are presumed to have made 'substantial progress' even while sidestepping the core–issues like the status of Jerusalem. 'Resolving smaller issues could generate a political momentum and the right diplomatic ambience to address the larger issues,' an analyst is quoted as saying.

However, the fact that India has agreed to discuss Kashmir with Pakistan even while claiming it is an internal issue and accusing its neighbour of promoting terrorism is a definite sign that it is becoming more and more sensible. It is prepared for a viable solution without too much of a loss of face, it looks like.

On the eve of the talks the Indian newspapers carried prominently a report to the effect that the Union Home Ministry had suggested shifting inwards as many as 40 villages in the Kupwara–Uri–Baramulla areas of Kashmir – lying along the Line of Controls– in order to prevent militants from using these routes to cross over to the so–called Pak–Occupied Kashmir (POK). So also the opposition in Pakistan warned their government against any sellout to the Big Brother. How the enlightened, if any, in the two countries manage to steer clear of the pit–falls of hawkism is anybody's guess.

While Pakistan is terrified at the prospect of being branded a terrorist state, or a state sponsoring terrorism, by the US, India is going through all sorts of ludicrous contortions in order to make the super power believe, or at least to pretend to believe, that its human rights record is not too much tarnished because of what is happening in Kashmir. And hence the sense of some urgency on the part of both to inch towards some kind of a solution for the Kashmir imbroglio.

There is also a side–show to this charade – China's opposition to any form of independence for Jammu and Kashmir because it fears that the US could use Kashmir as a base to destabilise Beijing. Its apprehensions on this score were conveyed to Islambad on the eve of the Indo–Pak talks. How

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READERS FORUM

THE CONSPIRACY OF SILENCE

AS security ambulances scream their sirens along Colombo's crowded roads, from the Military Airbase at Ratmalana announcing the return of the sick and wounded from the battlefront in North Sri Lanka, the pervading silence from Government spokesman on this debacle, stands out in stark contrast.

To any visitor to the Island of Sri Lanka, which according to the Prime Minister, hopes to be recognised as a 'Newly Industrialised Country' (NIC) status before the year 2000, the war is looked upon as a blessing. The war provides employment, it gives vent to pent up feelings, it brings in a flood of foreign currency from expatriates and refugees abroad. It has created a new breed of enterprising individuals who have flourished on the spoils of this conflict. The war is big business for small businessmen and a big boost for the once flagging economy of Sri Lanka.

Today there is an uneasy calm all over the Island, interrupted by the daily bombing of the North & East and by sporadic thunder–bursts of the North East Monsoon. While white flags and overhead road banners in some towns and in the capital Colombo are the unspoken signs of mourning for those who have paid the 'supreme sacrifice', patriotic notices displayed on bus windows, prompt support for the security forces. There is no noticeable clamour to put the whole country on a war footing as was called for by the Opposition leader.

Life continues as usual but not as normal as there is unmistakably some tightening of security, at least in Colombo since 'Black Thursday' 11 November 1993. The Stop and Search campaign by the security forces and in particular the Police in towns and cities, of civilians, their vehicles and their homes, without notice or warrant goes unchallenged. This is blatantly noticeable in the Hill Country among the 'Indian' plantation labour. Also all visitors to the Island and chief occupants of households are now bound by law to notify their local police of their residence and movements.

In the wake of Pooneryn's Tiger (LTTE) offensive code named 'Operation Thavalai' – (Leap Frog) accomplished and efforts to regain the area 'at any cost' having been launched by top security brass, we are informed the Sri Lanka army has appointed its own probe team, perhaps to ascertain the credibility of foreign mercenaries fighting alongside the LTTE at Pooneryn.

Further, what has caused concern if not controversy, is the battle fatigue and preparedness of Sri Lankan Forces stationed at Pooneryn. The presence of some 297 'Trainees' who are all estimated dead or missing in action (MIA) is yet another tragedy. Contrary to all training norms, these men had been attached to the Pooneryn front, a high intensity battle area, 'to learn the skills of becoming a soldier'. New recruits who appear uncommitted are sent to be weaned into the army ethic in the perilous Pooneryn Sea & Land camp.

There is no denial to supplement the war machine with new recruits from among the youth of this land. There is however, no survey commissioned to assess the weariness among the youth, who are enticed to conscript into the forces. There is an awareness of the cost of the war and the toll of over 30,000 lives during the past decade. This is compounded by the stark reality of no end in sight to this war. Should some form of truce be either engineered or enforced by mutual consent, there is a further question of de–commissioning the young veterans of this war on both sides – an embarrassing proposition for any Government.

Sri Lankan's Economic Growth rate this year, we are informed, is 5.7 percent compared to 4.7 percent last year. The G.D.P. is expected to reach a high of 6 percent; an appreciable rate of growth by current European standards. The war costs the equivalent of between three and four percent of precious budget funds. Without the burden of war, the G.D.P. could well reach heights of nine percent, the highest in South & South East Asia. This higher growth rate could be achieved. But who wants this war to end?

It is hardly conceivable for the politicians to attempt a settlement, for if they had the will or the power they would have already done so. It is even more difficult for the military forces to reach a settlement at present.

It is wide knowledge that this war in the North has become big business for some people, in fact, for many people. Not withstanding the arms salesmen from around the world, the coffers of security services and also the Police, have been greatly enhanced by the war effort.

Discounting the pecuniary benefits of war for those involved in its machinery, the nation has over time, got adjusted not only to the sights and sounds of war but to the siege mentality which given time may change, but remains firm in place today .

No reference has been made to the population explosion over the past decade in the Island, a statistic much too much for comfort, which has hidden the cost of war. What is happening both in the South and in the North, is that a whole generation of youth is being destroyed.

The lessons of Pooneryn is that any full scale military offensive against the North could provoke mayhem in other parts of the Island. The army could well be hard pressed to open up another front, possibly in the Hill Country where a battle royal goes on between two stalwart politicians – President Dingri Banda Wijetunga, President of Sri Lanka and one of his Ministers Mr. S. Thondaman. The President has been advised of the importance of rethinking the approach to Mr. Thondaman and the need to secure the bridges. It is argued Mr. Thondaman may cash in on the strength of his vote bank of plantation labour of Indian origin, not to mention the industrial peace that goes with his support for the ruling United National Party and for the Government in the Hill country, and throw in his lot with the Opposition.

The Politicians argue that a military solution is the best in the interest of the Island. Others maintain a political solution is best in the long term. Som others say it should be both.

In every game and war is no exception there are Rules of Conduct that contestants implicitly or explicitly observe. It appears, however, in Sri Lanka's so called 'Ethnic Conflict' that the Geneva Convention to which Sri Lanka is a signatory, is not observed and the dirty war in the North & East continues unabated.

Sri Lanka aspires to NIC status. According to some observers it already has acquired the status of a Nation in Conflict (NIC). The world could hardly be expected to confer 'Newly Industrial Country' status until some settlement of the ten year war is in sight.

Victor Cherubim,

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PUT MAHATHAYA ON TRIAL

I write with reference to your report (January 94) about the imminent execution of the Tiger Deputy Leader, Mr. Mahendrarajah (Mahathaya). In

the same issue of your journal, there was a lengthy interview given by Mr. Anton Balasingham. In respect of Mahathaya, this is what he said:

'CP: *What is Mahattaya's position in the LTTE now? Is he under arrest or in a fighting unit?*

B: There are so many speculations about Mahattaya. They say that Balasingham is also under house arrest!. . . . Mahattaya has been given a different reponsibility. He is in charge of rehabilitation of injured. . . . Yogi has gone to Mana Aru, but we are not supposed to tell you where they are. . . . they are doing political work. It is true that they held more important positions earlier, but sometimes things do change. Even senior people, even commanders, are changed.'

The fact is now known from even official LTTE sources that, when Balasingham gave this answer, Mahathaya and many of his associates had long before been removed from their positions and detained. How can one, therefore, believe what the Tiger spokesman tells the public at any time?

When the LTTE's late Krishnakumar (Kittu) committed suicide along with his associates following the ship in which they travelled was apprehended by the Indian navy, Tiger spokesman Anton Balasingham in statements and interviews to the media claimed that the Indian authorities were aware that Kittu was on a 'Peace Mission' to Sri Lanka because the LTTE had previously notified the Indian Government through the Quakers International for Peace. If this claim of Mr. Balasingham was true then, the stories that are currently being put out by the Tigers and their supporters that it was Mahathaya who gave secret information about Kittu's ship and his travel plans to the Indian government must certainly be false.

The Tigers also claim that they have set up 'courts of law' in the Jaffna peninsula through which they are 'dispensing justice'. If these 'courts' and the system of 'justice' are good enough for the ordinary people, the LTTE leadership should have the courage to put Mahathaya and his associates on trial in public before these 'courts'. Let them present whatever charges they have against Mahathaya and others, submit the evidence to support those charges and let the accused have the right to defend themselves in public.

The other point I wish to raise is that, in the light of fears expressed by many including Amnesty International that Mahathaya might already have been executed, he must be given the basic humanitarian right to be visited by the ICRC which is present in Jaffna to verify whether he is still alive, and if so the conditions in which he is detained. The LTTE allow the ICRC to visit Sri Lankan army and police personnel who are in their custody. Will Prabhakaran extend the same right to Mahathaya?

K. Thambiah,

Kentan Lane,
Middlesex, UK.

REFERENDUM – A MUSLIM POINT OF VIEW

I BEG to disagree with Professor Kopan Mahadeva's statement without any supporting statistics though, that Tamils and Muslims of North and East are united that their provinces should be merged (*Tamil Times*, 15 Dec. 1993, p.29).

Any future settlement to the present ethnic crisis can not ignore the LTTE factor. It has already been demonstrated wide and clear that LTTE is anti-Muslim. There is not a single soul of ethnic Muslim anywhere in the Northern Province that is controlled by LTTE which has executed its long term plan of what is known as the **ethnic cleansing** of Muslims from their traditional homeland. Moreover, it is the Tamil militancy hailing from the North that created the division between the Tamil and Muslim communities in the Eastern Province which had otherwise been in a peaceful coexistence in the past.

Therefore, it is the only way out for the Muslims in the Eastern Province to ensure a lasting peace by breaking away from the Tamil leadership dominated by LTTE. Muslims have been living in Sinhalese areas for generations without any major racial outburst from the majority community, whereas they had been systematically, chased out of their traditional homeland by the Tamil militants – LTTE. If a merger is allowed to exist it is only the beginning in the evolution of the so-called Tamil Eelam in which Muslims have no place.

Muslims in Sri Lanka is not a community demanding their rights by holding the guns and they can only survive in a democratic set-up. The referendum provides the Muslims in the Eastern Province the ideal platform to demonstrate their protest against the gun culture that was introduced to their region by the Tamils hailing from the North.

M.I. Mohamed Nakeeb,

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Constitutional reforms

Finally, the Government could consider a few salutary constitutional reforms that could strengthen the peace process and further help to restore mutual trust and confidence among the communities.

For the Government, these new suggestions come at a very crucial time. The military machinery is now being streamlined to confront the threats posed by terrorism. And 1994 is the designated election year, firstly the local polls in the east, provincial polls in the south and countrywide General Elections in December. All this will undoubtedly influence the Government's strategies.

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do you like it? The Chinese too have a rationale. The Yankees are already stirring up trouble in Xinjiang, a predominantly Muslim province, bordering Kashmir. Islamic Fundamentalism is on the rise in Afghanistan, Tajikistan and Kashmir makes for a frightening scenario. An independent Kashmir, oh, you can't think of it, they say.

The Indians, the Pakistanis, the Americans, the Chinese, they all have their own respective interests in their minds and would do anything to further the same. But what about the genuine aspirations of the Kashmiris themselves? Who cares in this world of *realpolitik*?

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Jaffna Hindu Uncle *seeks suitable bride for nephew, graduate professional in U.K., mid-thirties, U.K. citizen, Mars aspected. Send details, horoscope. M 715 c/o Tamil Times.*

Jaffna Hindu parents *seek reasonably attractive bride, employed, not too modern, for son, 29, U.K. citizen, with major professional qualification and in good secure position. Proposals treated in confidence and replied/returned. M 716 c/o Tamil Times.*

Jaffna Hindu sister *seeks fair, attractive, professionally qualified bride, preferably doctor or accountant for accountant brother, 30, in good employment in Zambia. Send horoscope, details. All correspondence treated confidentially and replied/returned. M 717 c/o Tamil Times.*

Jaffna Hindu sister *seeks bride with fair education for brother, 36, British citizen, in good employment in London, Mars afflicted. Send horoscope, details. M 718 c/o Tamil Times.*

Jaffna Brahmin brother *seeks groom for fair sister in late thirties presently in Colombo. Send horoscope, details. M 719. c/o Tamil Times.*

WEDDING BELLS

We congratulate the following couples on their recent wedding.

Brabaakaran *son of the late Mr. K. Sivasambu and Mrs. I. Sivasambu of Ayily, Karainagar, Sri Lanka and* **Sumathini** *daughter of the late Mr. K. Maniarpillai and Mrs. Y. Maniarpillai of 32 Carob Place, Cherrybrook, NSW 2126, Australia on 26.1.94 at Cherrybrook Community Centre, NSW 2126, Australia.*

Dr. Iyngaran *son of the late Dr. and Mrs. Vanniasegaram, of Mallakam, Sri Lanka and* **Sivakamy** *daughter of Mr. & Mrs. S. Ponniah of Thirunelveli, Sri Lanka on 31.01.94 at the Shree Ghanapathy Temple, Wimbledon, London SW19, U.K. – 5 Guilford Street, London WC1N 1DR.*

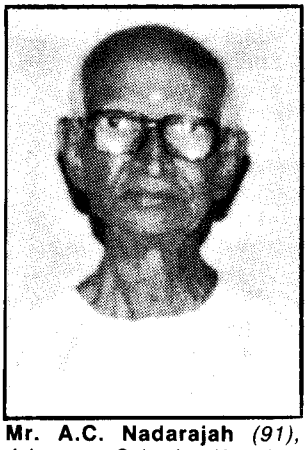
Jayanta *son of Mr. & Mrs. N. Sivaneson of 69 Foxglove Close, Witham, Essex, U.K. and* **Rathi Priyadarshini** *daughter of Mr. & Mrs. S. Ramanathan of 48 Dornton Road, Balham, London SW12 on 5.2.94 at Manor Park Hall, New Malden, Surrey, U.K.*

Vinayagamoorthy *son of Mr. & Mrs. S. Balasingam of 18 Kilmuir Close, College Town, Sandhurst, U.K. and* **Kamala** *daughter of the late Mr. V. Sivalingam and Mrs. G. Sivalingam of 17 Kampang Pinang Camp, 57000 Kuala Lumpur, Malaysia on 6.2.94 at Sri Sithi Vinayagar Temple, Petaling Jaya, Malaysia.*

Sivakumaran *son of the late Mr. K. Thanigasalam and Mrs. P. Thanigasalam of Aanaikkuddi Lane, Tellipalai, Sri Lanka and* **Umarani** *daughter of Mr. & Mrs. M. Maheswaran of 63/1 Hill Street, Dehiwela, Sri Lanka on 7.2.94 at Miami Hall, Alexandra Road, Colombo 6.*

Rajmohan *son of the late Mr. P. Kumarasamy and Mrs. P. Kumarasamy of Thirunelvely East, Jaffna and* **Prema** *daughter of Mr. T. Sinniah and the late Mrs. Packiam Sinniah of Nunavil West, Chavakachcheri, Sri Lanka on 12.2.94 at London Sri Murugan Temple Hall, London E12.*

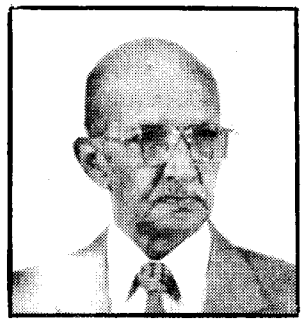
OBITUARIES



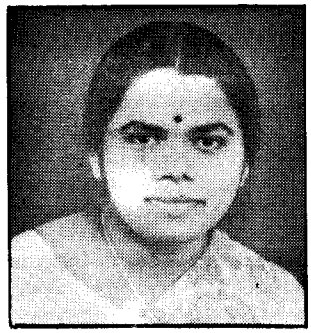
Mr. A.C. Nadarajah *(91), Advocate, Colombo (Annai to his numerous friends and relatives) beloved husband of Easwary; loving father of Manasa (Jaffna), Jayanthan (Colombo), Athavan (Botswana), Renuka (USA) and Sasi (UK); father-in-law of Dr. Nadesan, Sathiadevi, Dr. Shyamala, Dr. Shivaji and Sathiabalan; grandfather of Narenthiran, Sutharshan, Dhananjayan, Abhiramy, Sanjeevan, Sangeetha and Sindhuja passed away in Colombo on 6th February 1994 and was cremated on 9.2.94. – 116 Hultsdorf Street, Colombo 12. Tel: 323562.*

Mrs. Rasamah Appiah *(92), of Kondavil East, Sri Lanka; beloved wife of the late Mr. V. Appiah (Retd. Chief Clerk, P.W.D. Sri Lanka); loving mother of the late Rajeswary, Saraswathy, the late Dr. Pathmanathan, Panchalingam (M.D., POAT Eng., Nigeria), Pusparanee, Jeyaranee, Dr. Balasunderam (USA), Vimalaranee and Indranee; mother-in-law of the late K. Kanagasabapathy (Bank of Ceylon), late S. Kanagasabapathy (Shroff, Railways), Rajeswary Pathmanathan, Monique Panchalingam (France), late S. Somasundaram (Director of Works, Irrigation), late S. Ratnarajah (Irrigation), Shantha Balasundram (USA), Mr. Vamadevan (PWD and NRA, UK) and Lt. Cmdr. Rasiah (retd.) (Sri Lankan Navy); grandmother of Kirupaharan (USA), Karunakaran, Ranji Mahalingam (both of Canada), Kunam Satheesan; Dr. Nirmalakumar (UK), Pathmini Yogaratnam, Tharmakumar (Australia), Chandrakumar, Kalanithy (UK), Shamala Pangayatselvan (UK), Pascal (France), Raviraj (UK), Prabalini Gnanasagaran (Nigeria), Sunilraj (Australia), Nimalraj (UK), Shiralini Kajendran (Canada), Uthayaraj (USA), The late Ajit Vibulan, Anusha Pathmanathan (UK), Sanjit (USA), Anusiya, Anoja (both of USA), Vasuki de Silva, Hari Pradeep, Vamini (All of UK), Girija, Rajeev, and Prajeev (all of UK); sister of late Mr. Rasiah (PWD Overseer), Mr. Sinadurai (Railways), Professor Kandiah and Mrs. P. Viruthasalam (Malaysia) passed away in Nigeria on 12.1.94. Funeral rites took place in UK at 1 Sterry Drive, Thames Ditton, Surrey KT7 0YN. (Tel: 081 398 6078) and the remains were cremated at Randalls Park Crematorium, Leatherhead, Surrey on 22.1.94. Athma Shanthi poojah was performed on 12.2.94 at the Highgate Murugan Temple.*

The members of the family wish to convey their very sincere thanks to all relatives and friends who assisted, attended the funeral and athma shanthi, sent floral tributes and messages of sympathy. They regret their inability to thank them individually.



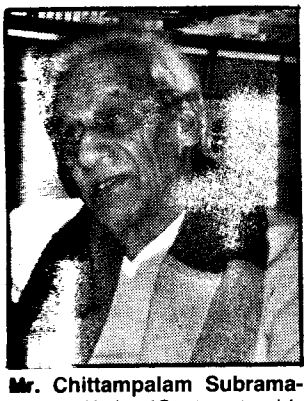
Mr. S. Ilankainathan *(71), of Sandilipay North, Sri Lanka, son of the late Mr. & Mrs. Saravanamuttu; beloved husband of Leelawathy; loving father of Urmila; father-in-law of Kuharajah (Peterborough); grandfather of Shobana and Ranjana; brother of the late Mrs. Swarnamathy Wijayanayagam, Mrs. Ratnamathy Ratnarajah (Colombo), late Sinkainathan and the late Mrs. Rasapoomathy Patkunanathan passed away in Peterborough on 18.2.94 and was cremated on 24.2.94. – 58 Ringwood, South Bretton, Peterborough PE3 9SH, U.K. Tel: 0733 262760.*



Mrs. Vigneswary Thiruchelvam *passed away on 29 December 1993 and her funeral took place in Blackburn on 5 January 1994. She is the beloved wife of Mr. K.M.T. Thiruchelvam (Revenue Execu-*

tive); devoted mother of Bhaheerathy (University of Dundee) and Jeyarathy; loving daughter of the late Mr. C. Vyramuthu (Emeritus Vice Principal of Vaidyeshwara Vidiyalaya, Jaffna) and the late Mrs. N. Vyramuthu; daughter-in-law of the late Mr. K.M. Thamboo and Mrs. Thamboo; dearest sister of Mr. V. Sambunathan (Canada); sister-in-law of Mrs. Ranji Sambunathan (Canada), Mrs. N. Packiyanathan (Librarian, Medical Faculty, Jaffna), Mr. K.M.T. Paneerchelvam (France), Mr. K.M.T. Arulchelvam (Canada), Mr. K.M.T. Kathirgamachelvam (London) and Mrs. V. Selvarani (Canada); cousin of Dr. V.E. Packiyanathan (Australia), Mrs. P. Sarojinidevi (France), Mrs. A. Sivagamasundari (Canada), Mrs. K. Ranjitha (London) and Mr. S. Vivekandan (Canada) and loving aunty of Gajendiran, Piranavan, Gajaruban, Packiyarajah, Mohanarajah, Malini, Nasarajah, Kumuthini, Sugaththini, Sutharsan, Suranjan, Rahini, Subashini, Niranjan, Sivaranjan, Inthuja, Ranuka and Sangitha.

All the members of the family sincerely thank all the relations and friends who consoled us and helped us in numerous ways when we were deeply shocked and grieved. We also thank all who attended her funeral, sent flowers and messages of sympathy and condolences. We all pray that her soul shall rest in everlasting peace at the lotus feet of Lord Shiva. – K.M.T. Thiruchelvam, 145 Quebec Road, Lammack, Blackburn, Lancs. BB2 7DP, UK. Tel: 0254 55450.



Mr. Chittampalam Subramaniam *(91), (Orator to his numerous students, friends and relatives), beloved husband of Sararatnam; father of Kandasamy (Canada), Gnanarangini, Pathmasany (both of U.K.), Chitsabesan (Canada) and Dr. Vasanthan (U.K.); father-in-law of Malini, Puvanarajan, the late Dr. Kandiah, Kumuthini and Dr. Premila; brother of the late Mrs. Thangammah Thambapillai and Mrs. Sinnammah Somasegeram; uncle of the late Kanagarajah and the late Velautham; Dr. S. Sothinathan (Colombo), S. Kanagasabai (master, U.K.); grandfather of Janani, Vaani, Wanni, Senthuran, Yamini; Logitha, Pranetha; Thayalan, Anjali; Mahen, Mithran, Lakshman; Rishi; great grandfather of Sangeeth passed away in St. Albans, U.K. on 18.2.94. Cremation on Sunday 27-2-94 at Mortlake Crematorium, London SW14 after lying in state and ceremonies at Wandsworth Town Hall, London SW18 from 9.00am to 12noon. – 101 Thamesdale, London Colney, St. Albans, Herts. AL 2 1TB. Tel: 0727 823 871.*

IN MEMORIAM

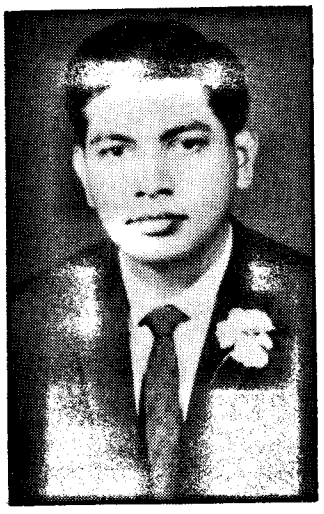
In loving memory of **Mr. Chelliah Sivasampu** *on the second anniversary of his passing away on 9th March 1992.*

Sadly missed and fondly remembered by his two sons. – 15 Wolsey Way, Chessington, Surrey KT9 1XQ.

Ramalingam Nagulesu, Kaddudai, Manipay, Sri Lanka.

Born: 22-6-1908 Died: 4-2-92

So sadly missed and dearly loved by his wife Nageswary, daughter Minni and son-in-law Thillai.



In Everloving Memory of **Dr. Wesley Rajasuntharam Niles of Chelmsford, Essex.**

Born: September 10, 1936
Called to rest: January 2, 1993

'. . . Because I live, ye shall live also.' John 14: 19(KJV).

Greatly missed and Fondly remembered by his loving wife Augusta (nee Ratnayake), Ariam Niles, Chelvathy Sanders, Alagan Niles, Niles/Ratnayake families.

FORTHCOMING EVENTS

March 1 *Feast Day of St. David, Patron Saint of Wales.*
Mar. 6 *Third Sunday in Lent.*
Mar. 8 *Eekathasi.*
Mar. 9 *Pirathosam.*
Mar. 10 *Sivaraththiri.*
Mar. 11 *Amavasai.*
Mar. 13 *Fourth Sunday in Lent.*
Mar. 16 *Sathurthi.*
Mar. 19 *St. Joseph's Day.*
Mar. 20 *Fifth Sunday in Lent.*
Mar. 23 *Eekathasi.*
Mar. 24 *7.00pm Colombuthurai Sri Yogaswamigal Abhisekham and Gurupoojah at Shree Ghanapathy Temple, Wimbledon London SW19.*
Mar. 25 *Pirathosam.*
Mar. 27 *Full Moon; Pankuni Uththiram; Passion Sunday.*
Mar. 31 *Maundy Thursday.*

At Bhawan Centre, 4A Castletown Road, London W14 9HQ. Tel: 071-381 3086/4608.

Mar. 5 *5.30pm Osho's Vision of Gita: a lecture by Swami Satyavedanta Dr. Vasant Joshi. All Welcome.*

Mar. 6 *Tyagaraja – Tansen & Purandra Day. Musical Evening by Bhavan's staff and students. All Welcome.*

Mar. 10 *7.30pm Shivarathri Bhajans, Puja & Prasad.*

Mar. 11 *7.45pm Karnatic Vocal by S. Shankar from India.*

Mar. 12, 19 and 26 *5.30pm Gita Lecture Series by Sri Mathoor Krishnamurti.*

Mar. 12 *7.30pm Hindustani Vocal by Panchakshari Mattigatti.*

Mar. 13 *6.00pm Karnatic Music by Students on Special Teachers' Course.*

Mar. 20 *6.30pm Id Celebrations. All Welcome.*

Mar. 25 *7.45pm Sitar by Krishna Bhatt.*

Mar. 26 *7.00pm Bharatanatyam by Prakash Yaddagudde.*

J.S.S.A.(UK) Soccer Tournament

The Jaffna Schools Sports Association (United Kingdom) holds its annual soccer tournament on Bank Holiday Monday 4th April 1994. All old students associations of Sri Lankan schools in the United Kingdom which wish to take part in the tournament are requested to send in their applications to the Hon. Secretary, J.S.S.A. (U.K.), Mr. S. Sriranjan, 61 Reynolds Drive, Edgware, Middlesex HA8 5PU. Tel: 081-952 7293 on or before Friday, 5th March 1994. For further details please contact the Hon. Secretary after office hours on weekdays & during weekends.

Mr. Aloy Ratnasingam Appointed to Community Group

Mr. Aloy Ratnasingam *of The Senior Tamils' Centre, Ontario, Canada has been appointed to the Community Reference group on Ethno-Racial Access to Metropolitan Services in Canada. He will be the one Tamil representative among 23 other members of the Reference Group to advise and assist the Council Action committee to combat Racism in monitoring policy implementation and eliminating barriers so that Ethno-Racial Minority and Aboriginal Communities can receive equal benefit from Metropolitan services.*

We congratulate Mr. Ratnasingam on this appointment.

APPRECIATION

Nesiah: a Gandhi of Sri Lanka

The passing away of Kunasekaram Nesiah on December 30, 1993 has taken away from our midst one of the most illustrious citizens of the north in this generation. In the field of education, politics, social service, the co-operative movement and other fields, Mr. Nesiah stood out like a colossus among his peers as well as the public of Jaffna. It could be said that he was a legend in his own lifetime.

Born in Nallur, he had his early education at St. John's College, Jaffna, where he excelled as a student. Competing with students from four continents, he won the second prize in a British Empire Essay Competition. Even in his student days he had been influenced by Mahatma Gandhi and the Indian independence movement. His dedication to national freedom as a student was such that he refused to stand up when 'God Save the King' was sung, as was customary at the school prize day. This was an unheard of and unacceptable conduct by a student those days and it is told that one of his teachers forced him up by the scruff of his neck.

His involvement with the Indian independence movement grew when he went over to Madras Christian College for his undergraduate studies. He continued his studies there and was awarded his M.A. degree on completion of his Master's programme. This was the period when the 'Quit India' movement was at its peak. Influenced by Gandhian principles, he remained a non-smoking vegetarian teetotaller, and started wearing Kadhar, the symbol of the movement and the national dress, all of which he continued till the last.

He returned to Jaffna to teach in his Alma Mater, full of the fervour of swaraj. In the early thirties, he joined the Jaffna Youth Congress with the late Handy Perinpanayagam and others, when it was one of the leading independence movements in the country.

In 1938 he proceeded to England to do his post graduate studies in Education at the University of London. He returned around August 1939, just before the outbreak of the war in September. Having been in the thick of events in Britain, France and Denmark, when history was being made, he was in big demand to speak about the fast moving events in Europe. I recall one of his talks where, like a true historian he analysed events after the 1914-18 war and concluded that a second world war was inevitable. And war did come a month later and we all admired his accurate reading of current events.

Looking back to the thirties, two events come to mind which will give a glimpse of the man's character. The first is the way he found his bride, the daughter of Can. Somasunderam, himself a formidable and most respected person in Jaffna.

Mr. Nesiah seemed to have taken a fancy (a rare occurrence in Jaffna those days) for his beautiful eldest daughter, Pushpam. Even then, forsaking the usual steps of approaching the father through the proper channels, he went straight to the man himself and told him that he would like to marry his daughter. To approach Can. Somasunderam on any subject took courage, but to ask him directly for his daughter's hand must have taken herculean courage which Mr. Nesiah possessed in great measure. In spite of his family background, education and position in life, Mr. Nesiah would still not have been considered a prize catch by a pretty girl. He did not possess the physical attributes that a girl would look for in a suitor.

Can. Somasunderam, a forthright man of few words, knew better; he summoned his daughter and without any preliminaries told her in front of Mr. Nesiah, 'this man Nesiah would like to marry you'. Whatever happened later, they soon got married. Pushpam readily accepted his ideas and ways of life and theirs was a happy marriage with four children, which lasted 54 years, till her demise in 1987. In the last few years of her life, Mrs.Nesiah was incapacitated and everyone in Chundikuli talked about the way in which Mr. Nesiah, now in his late eighties, personally nursed her till the last with loving care and affection.

The second concerns his faith and belief in the total equality of man. In the thirties, the Nesiahs were among the first families of the high caste Tamil community who took in a girl of the 'untouchable' caste for domestic service. There was an uproar and some neighbours even shunned their home, shy of being served tea or coffee prepared by this girl. The Nesiahs went even further and provided accommodation for students of the 'untouchable' caste, who would not be admitted into school hostels. Mr. Nesiah stood his ground and proved to the community that he practiced what he preached. It is more common today but Mr.Nesiah was 50 years ahead of his time. His example led to St. John's College and other schools opening their boarding houses to 'untouchables'.

From St. John's, he had a stint as a teacher at St. Thomas', Mt. Lavinia, from where he moved on to the newly formed Faculty of Education at the University of Ceylon. On the strength of his many publications, he was hand picked for the position by the then Vice-Chancellor, Sir Ivor Jennings and Prof. Green, the faculty's first head. It was here he finally found his true calling in educating the educators, an area which he excelled.

Although, Mr. Nesiah cannot be called a politician, one would think of him a a political activist, in that from the days of the Youth Congress of the thirties, he always expressed his views on political issues both in his speeches and in his writings. He was a militant anti-imperialist and nationalist in the twenties, thirties and forties. Later, he became a friend, supporter and admirer of S.J.V. Chelvanayagam, but did not hesitate to speak against the Vadukoddai Resolution in which the Federal Party voted for separation. Mr. Nesiah remained close to SJV, who often went to him for counsel. Even in recent years when dissent was unacceptable and dangerous, he aired his views, particularly his opposition to violence without fear or favour. He was very outspoken and never flinched from calling a spade a spade. In the absence of government writ in the north, when approached by the powers that be to do their bidding. Mr. Nesiah was probably the only person who would defy them and get away with it.

In the last years of his life his identification with particular political groups receded and he was increasingly seen as a highly respected senior citizen of Jaffna. Always sought after for public meetings and functions, he would lend his presence if he felt the cause was right. People needed him, as his presence on the podium lent dignity and credibility to a particular meeting at a time when people did not know where to turn. Mr. Nesiah was to many people in Jaffna, especially to the intellectuals, a sort of touchstone on which they would test their own views and stands.

With his demise at the ripe old age of 92, we can truly say that the country at large, the Tamil people especially and the Jaffna community in particular, have lost a leading light, a man of great courage and character, a humble and simple man of tremendous stature. Such men are thrown up once in a generation and we may not see the likes of him for some time to come. I was privileged to know him and of him to rub shoulders with him to call him my guru and friend and I consider this a duty and honour to pay him this tribute.

Dr. E.S. Thevasagayam.

CRM Warns of 'Big Brother' Syndrome

The Civil Rights Movement of Sri Lanka has accused the government of trying to become a totalitarian big brother by imposing emergency regulations to register and monitor the working of all independent non-governmental organisations.

In a press statement, the CRM said the government's decision to implement the NGO Commission report through emergency laws rather than parliamentary and public debate, was a move that CRM considered to be hasty and obnoxious.

The CRM said:

The surprise news of the making of emergency regulations providing for the monitoring of non-governmental organisations is disturbing in the extreme. The Civil Rights Movement will make a study of this move after examining the text of the regulations, which is not at present available. In view of the gravity of the issue, however, the Working Committee of CRM is expressing its preliminary reaction on the basis of information available in the official press release.

The new provisions are obnoxious both on account of the manner of their coming into existence, and their substance.

Emergency regulations mean bypassing the regular legislative procedure, thereby precluding not only consideration by parliament – the normal law making body – but also public discussion and debate. The reason given in the official press release is that 'the enactment of legislation is going to take time'.

This is exactly the point. Time to discuss proposed changes is the very essence of the democratic process. Its denial by resort to emergency powers is permissible only to meet exceptional situations related to public security which can hardly be the case here. A mass of ordinary laws and far-reaching emergency regulations already exist to investigate and deal with any breaches of the law committed by NGOs. In the present instance the report of the NGO Commission of Inquiry has itself not been made available for public scrutiny before the hasty implementation of what we are told are some of its recommendations.

As for substance, the press release does not specify the definition of 'non-governmental organisations', but states that funeral benefit societies and cooperative societies are exempt. Presumably, therefore, it applies to all other associations and groupings which do not form part of the structure of government. Registration is made compulsory if the yearly receipts of any such body exceed Rs.50,000. In addition, monitoring of all receipts and disbursements by a government official is imposed if these exceed Rs.100,000 a year. Sources of receipts, and particulars of persons to whom disbursements are made (including names and addresses) have to be disclosed.

This is a most serious interference with the free functioning of organisations and therefore with the freedom of association and expression. People who make donations to legitimate causes (which may however be unpopular from a government point of view) have the right to choose anonymity; they may fear (often with cause) that its breach might result in victimisation. Recipients of disbursements are similarly entitled to their privacy (subject to reasonable existing laws such as those relating to taxation).

The basic premise of the measure, which treats all non-governmental organisations as likely to be engaged in activities prejudicial to national security etc., will inhibit the provision of services by such organisations, to the detriment of a free and democratic society.

'It is curious and tragic that such a mindset, reminiscent of the concept of some big brother to watch over all activities, should manifest itself in present times, which have seen the dismantling of totalitarian regimes elsewhere.

CRM has been engaged in this task since 1971, under successive governments. These years have seen periods of insurgency, strikes, massacres, civil strife, terrorist violence, large-scale 'disappearances' and extra-judicial killings. They have also seen the most atrocious and draconian emergency regulations, which CRM and other organisations have monitored and criticised. Yet never, during all these travails, has there been an attempt of this nature to interfere with the free functioning of independent organisations. That it should take place at this moment, when many felt we were approaching a period of normalcy at least in part of the country, is particularly alarming.

Yogi, Now a Cricket Coach

Yogaratnam Yogi, the General Secretary of the now disbanded Peoples Front of Liberation Tigers (PFLT), the political wing of the LTTE, and a frontline leader of the Tamil Tigers, who was reportedly detained and interrogated for conspiring along with Mahathaya to 'eliminate the LTTE leadership' has been freed.

Yogi, a keen sportsman in his younger days, who now lives as an ordinary civilian in Jaffna, has taken up a new assignment as a cricket coach in his old school, Jaffna Hindu College.

It is reliably learnt that the leadership had told him that his services would no longer be required for the organisation, but had been released on condition that he would no longer participate in any political or semi-political activities and that he should not leave the Jaffna peninsula for the next five years.

Tamil Pages '94

'Tamil Pages '94', the first national directory of Tamil enterprises – commercial, cultural etc., will be launched on Saturday, 12th March 1994 at 7.00pm. His Worship, the Mayor of Lewisham, Cllr. Sinnamani will be the Chief Guest on this occasion. The Whitgift branch of Abbey Life, Croydon in Surrey is sponsoring the launch.

The compilers of this directory hope to produce a similar version for Europe, in 1995.

Continued from page 11

Social Services who is to be the designated authority for the monitoring of receipts and disbursements. Responsibility for applying for registration and furnishing of audited statements of accounts is upon the NGO concerned. The statement of accounts while indicating the assets and liabilities should also disclose all receipts of money, goods or services, the sources from which they were received, all disbursements made, the names and addresses and other particulars of persons to whom such monies or goods were disbursed.

Failure to comply with the regulations and their requirements will constitute an offence, and upon conviction by a High Court, the officials of an NGO are liable to imprisonment for a term not exceeding five years and to a fine not exceeding Rs.50,000.

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HCPPA(UK) branch has had a very successful year during 1993 in promoting and fostering fellowship among Hartleyites living in the UK. In addition it has made generous contributions towards the welfare of the college and sports activities in Point Pedro. Sponsorship of a scholarship program for outstanding students is currently underway.

HCPPA organised three social events during 1993 including a Kalai Villa, a Gala Day and an Annual Dinner. In addition HCPPA sponsored Hartley College cricket and football teams for the JSSA(UK) tournaments held in London. Three newsletters and a membership directory were also published during 1993. The association also coordinated activities between HCPPA branches in Point Pedro, Colombo, Canada and Australia.

We would like to increase our membership base to include Europe. Consequently we are inviting Harleyites living in UK & Europe, who are not members of the association to join the HCPPA(UK) and increase our membership base and effectiveness. Annual membership fee is £10. Please contact President or Secretary for further details at either of the addresses shown below.

President:
Dr. K. Sivakumaran
60 Blakes Lane
New Malden
Surrey
KT3 6NX
United Kingdom
Home Tel: 081 949 2614

Secretary:
Mr. P. Harrichandiran
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	15 Jun-14 Jul	£350	£228	£580	£392
	15 Jul-14 Sep	£360	£234	£645	£435
	15 Sep-30 Sep	£340	£515	£221	£348
COLOMBO VIA KUWAIT	Until 30 Jun	£245	£169	£385	£263
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DIRECT WITH STOP IN COLOMBO	Until 30 Apr	£350	£220	£500	£304
SINGAPORE WITH STOP IN COLOMBO	08 Jan-16 Mar & 02 Apr-14 Jun			£525	£360
	17 Mar-01 Apr			£565	£387
	15 Jun-14 Jul			£590	£402
	15 Jul-14 Sep			£655	£445
SYDNEY OR MELBOURNE VIA COLOMBO	08 Jan-30 Jun & 15 Sep-30 Sep	£460	£318	£910	£616
SINGAPORE AND KUALA LUMPUR	01 Jul-14 Sep	£500	£345	£930	£630
SYDNEY VIA COLOMBO &	08 Jan-30 Jun & 15 Sep-30 Sep	£470	£318	£915	£631
SINGAPORE	01 Jul-14 Sep	£500	£345	£935	£645

ALL MAJOR CREDIT CARDS ACCEPTED

COMPETITIVE FARES TO OTHER DESTINATIONS AVAILABLE

SHIPPING AIR FREIGHT TRAVEL

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PERSONAL EFFECTS, HOUSEHOLD GOODS, VEHICLES AND MACHINERIES

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Special low fares to:
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(No Stop in Colombo) £ 425.00
COLOMBO:

AIR LANKA	£ 485.00
GULF	£ 405.00
KUWAIT	£ 395.00
EMIRATE	£ 495.00

Please contact for other destinations

Low Unaccompanied Baggage rates to COLOMBO:
Sea Freight ---- £ 9.00 per Tea Chest
---- £ 2.00 per cu. ft.
Air Freight ---- £ 30.00 per 10 Kg.
(£ 1.50 for additional Kg.)

MADRAS ---- £ 1.50 per Kg.
TRIVENDRUM ---- £ 1.80 per Kg.

YOUR GOODS GO TO OUR BONDED WAREHOUSE IN COLOMBO

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All goods are lodged in modern, fully computerised, Bonded warehouse (outside the Port) providing speedy one-stop clearance and delivery facilities (no Wharf clerks involved). Ceylon Shipping Lines, 294/10 D.R. Wijewardena Mawatha, Colombo 10. Tel: 432994/5.

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Katunayake International Airport Duty Free Shopping Guide available to our Customers and permissible duty Free allowance on goods shipped.